

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
OF THE UNITED STATES
1934

VOLUME 27 NUMBER 163

Washington, Wednesday, August 22, 1962

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Washington 25, D.C.

Published by the Office of the Federal
Register, National Archives and Records
Service, General Services Administration

Order from Superintendent of Documents,
United States Government Printing Office,



Telephone Worth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11044

INTERAGENCY COORDINATION OF ARMS CONTROL AND DISARMAMENT MATTERS

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on Arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Definitions.* As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission, the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act.

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

SEC. 2. *Cooperation.* The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

SEC. 3. *Policy coordination.* (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulation, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; and

(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

SEC. 4. *Research.* With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Bureau of the Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

SEC. 5. *Force and armament levels.* The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 20, 1962.

[F.R. Doc. 62-8506; Filed, Aug. 21, 1962; 10:05 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Export-Import Bank of Washington

Effective upon publication in the FEDERAL REGISTER, paragraph (n) is added to § 6.340 as set out below.

§ 6.340 Export-Import Bank of Washington.

(n) One Special Assistant to the President and Chairman.

(E.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 62-8434; Filed, Aug. 21, 1962;
8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

QUARANTINE OF CERTAIN STATES; AND DEFINITIONS

On May 17, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4692) a notice of proposed rule making concerning the amendment of notice of quarantine No. 48 (Japanese Beetle Quarantine No. 48, 7 CFR 301.48) and §§ 341.48-1(a), 301.48-1(c), and 301.48-1(f) of the regulations supplemental thereto (7 CFR 301.48-1(a), 301.48-1(c), 301.48-1(f)). After due consideration of all matters presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Administrator of the Agricultural Research Service hereby amends the aforesaid sections and paragraphs to read as follows:

§ 301.48 Notice of quarantine.

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161) and after public hearings, it has been determined that it is necessary to quarantine the States of Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsyl-

vania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle, a dangerous insect injurious to cultivated crops and not heretofore widely prevalent or distributed within and throughout the United States, and said States and District are hereby quarantined or continued to be quarantined because of said insect, and under the authority of said act and the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee) supplemental regulations are prescribed in this subpart governing the movement of carriers of said insect. Hereafter, the following shall not be moved from the quarantined States or District into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: (1) Soil, humus, compost, and decomposed manure; (2) forest, field, nursery, or greenhouse-grown woody or herbaceous plants with roots; (3) grass sod; (4) plant crowns or roots for propagation; (5) true bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured; and (6) other farm products and trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other articles and products of any character whatsoever, not covered by subparagraphs (1) to (5) of this paragraph, when it is determined in accordance with the regulations that they present a hazard of spread of Japanese beetles. Moreover, movement of articles, products, and means of conveyance designated above from a quarantined State, District, or portion thereof into or through another quarantined State, District, or portion thereof may be restricted or prohibited under the regulations. The requirements of this quarantine and the supplemental regulations with respect to such articles, products, and means of conveyance are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the quarantine and regulations as to such regulated areas will be adequate to prevent the spread of Japanese beetles, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of Japanese beetles and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of Japanese beetles within such State. Moreover, whenever

the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the articles, products, and means of conveyance to which the regulations in this subpart apply, making it safe to modify by making less stringent the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portions thereof and for such articles, products, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

(b) Regulations governing the movement of live Japanese beetles are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., in accordance with said part.

(c) As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands of the United States.

§ 301.48-1 Definitions.

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(c) *Regulated area.* Any State or District, or any county or other minor civil division, or part thereof, designated in administrative instructions under § 301.48-2 as a regulated area.

(f) *Regulated articles.* Soil, and other articles and products, and means of conveyance, the movement of which is regulated by the Japanese beetle quarantine and the regulations in this subpart.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee; 19 F.R. 74, as amended. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These amendments shall become effective September 21, 1962.

These amendments are based in part on testimony presented at a public hearing held at Memphis, Tenn., on December 5, 1961, to consider the advisability of quarantining the States of California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, South Carolina, and Tennessee; notice of such public hearing having been published in the

FEDERAL REGISTER on October 18, 1961 (26 F.R. 9780).

The amendment of § 301.48 quarantines the States of Georgia, Indiana, Kentucky, and South Carolina, and changes some phraseology to recognize that Alaska and Hawaii are now States.

Nonsubstantive changes have been made in three definitions in § 301.48-1.

After a study of testimony presented at the public hearing, it has been decided not to quarantine the States of California, Illinois, Iowa, Michigan, Missouri, or Tennessee. Suppressive measures applied by the State of Iowa to the limited infestations discovered in that State have apparently been successful, since no Japanese beetles were found there in 1961. The other States omitted from the quarantine are committed to an aggressive program of Japanese beetle control, eradication, and prevention of spread.

Done at Washington, D.C., this 16th day of August 1962.

[SEAL]

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-8439; Filed, Aug. 21, 1962;
8:52 a.m.]

[P.P.C. 533, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

EXEMPTION OF CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to the authority contained in the final sentence in paragraph (a) of the Japanese beetle notice of quarantine (Notice of quarantine No. 48, 7 CFR 301.48), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.48a are hereby amended to read as follows:

§ 301.48a Administrative instructions exempting certain articles from specified requirements.

It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided.

(a) The following articles are hereby exempted from the requirements of § 301.48-3(a) under the conditions set forth hereinafter:

(1) Humus, compost, and decomposed manure, when dehydrated, ground, pulverized, or compressed.

(2) True bulbs, corms, and tubers (other than dahlia tubers), when dormant, except for storage growth, and when free from soil.

(3) Single dahlia tubers or small dahlia root-divisions when free from stems, cavities, and soil. (Dahlia tubers,

other than single tubers or small root-divisions meeting these conditions, are not exempted and must comply with § 301.48-3(a).)

(4) Plants when growing exclusively in Osmunda fiber or chipped or shredded bark.

(5) Trailing arbutus or Mayflower (*Epigaea repens*), when free from soil.

(6) Moss, clubmoss, and ground-pine or running-pine, when free from soil.

(7) Soil-free aquatic plants.

(8) Soil-free sweetpotato draws.

(9) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the Japanese beetle.

(b) Any regulated articles when transported via mail or by a common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area; *Provided, however*, That this exception will not apply to the movement of regulated articles from the generally infested areas to the suppressive areas.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended, 7 CFR 301.48)

These administrative instructions shall become effective September 21, 1962, when they shall supersede P.P.C. 533, 2d Revision, effective December 8, 1958.

This amendment adds paragraph (b) to the list of exempted items, thereby permitting regulated articles to move by mail or common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area; however, this exemption does not apply to such movement from a generally infested to a suppressive area.

Done at Washington, D.C., this 15th day of August 1962.

[SEAL]

D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-8438; Filed, Aug. 21, 1962;
8:52 a.m.]

[P.P.C. 637, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER JAPANESE BEETLE QUARANTINE

On May 17, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4692), under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), a notice of rule making relating to a proposed amendment of administrative instructions designating regulated areas under the Japanese beetle quarantine (7 CFR 301.48-2a). After due consideration of all relevant matters presented, and pursuant to § 301.48-2 of the regulations supplemental to notice of quarantine No. 48 relating to the Japanese beetle (7 CFR 301.48-2), under sections 8 and 9 of the

Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions in 7 CFR 301.48-2a (24 F.R. 3048, 27 F.R. 3971) are hereby amended to read:

§ 301.48-2a Administrative instructions designating regulated areas under the Japanese beetle quarantine.

Infestations of the Japanese beetle have been determined to exist, in the quarantined States and District and in the counties, and other minor civil divisions, and parts thereof in such States, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such States and District, and such counties, and other minor civil divisions, and parts thereof, are hereby designated, as follows, as Japanese beetle regulated areas, which are further divided into generally infested areas and suppressive areas, within the meaning of the provisions in this subpart:

(a) *Connecticut*—(1) *Generally infested area*. The entire State.

(2) *Suppressive area*. None.

(b) *Delaware*—(1) *Generally infested area*. The entire State.

(2) *Suppressive area*. None.

(c) *District of Columbia*—(1) *Generally infested area*. The entire District.

(2) *Suppressive area*. None.

(d) *Georgia*—(1) *Generally infested area*.

Clayton County. Georgia Militia Districts 548, 1189, 1406, 1446, and 1644.

Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta.

Dawson County. The entire county.

DeKalb County. That portion of the county lying south, west, and north of Interstate Highway 285, including all of the area within the corporate limits of Doraville.

Fannin County. Georgia Militia Districts 1027, 1242, and 1488.

Forsyth County. That portion of the county lying north of State Highway 20, including all the area within the corporate limits of the city of Cumming.

Fulton County. That area bounded by a line beginning at the intersection of Interstate Highway 285 and the Fulton-DeKalb County line, and extending south along the Fulton-DeKalb County line to the Fulton-Clayton County line, thence west and south along the Fulton-Clayton County line to the Fulton-Fayette County line, thence south-westward along the Fulton-Fayette County line to its intersection with State Highway 92, thence northwestward along said highway to its intersection with the Chattahoochee River, thence northeastward along said river to its intersection with Interstate Highway 285, thence eastward along Interstate Highway 285 to the Fulton-DeKalb County line, the point of beginning, excluding the city of Fairburn.

Hall County. The entire county.

Lumpkin County. The entire county.

Stephens County. That portion of the county lying within the corporate limits of the city of Toccoa.

Union County. Georgia Militia Districts 994, 995, and 1241.

White County. The entire county.

(2) *Suppressive area.*

Bibb County. The entire county.
Macon County. The entire county.
Muscooke County. The entire county.
Richmond County. That portion of the county lying north of Butler Creek.
Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.

(e) *Indiana*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(f) *Kentucky*—(1) *Generally infested area.*

Boone County. The entire county.
Boyd County. The entire county.
Campbell County. The entire county.
Greenup County. The entire county.
Kenton County. The entire county.
Pike County. The entire county.

(2) *Suppressive area.* None.

(g) *Maine*—(1) *Generally infested area.*

Androscoggin County. The entire county.
Cumberland County. The entire county.
Kennebec County. The entire county.
Lincoln County. The entire county.
Oxford County. The entire county.
Sagadahoc County. The entire county.
York County. The entire county.

(2) *Suppressive area.* None.

(h) *Maryland*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(i) *Massachusetts*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(j) *New Hampshire*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(k) *New Jersey*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(l) *New York*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(m) *North Carolina*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(n) *Ohio*—(1) *Generally infested area.*

Ashland County. The townships of Green, Hanover, Lake, Mifflin, Mohican, and Vermillion.

Ashtabula County. The entire county.
Athens County. The entire county.

Belmont County. The entire county.
Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Rely, Ross, St. Clair, and Union; and cities of Fairfield and Hamilton.

Carroll County. The entire county.
Columbiana County. The entire county.

Coshocton County. The entire county.
Guyahoga County. The entire county.

Franklin County. The cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Upper Arlington, and Whitehall.

Gallia County. The entire county.
Geauga County. The entire county.

Guernsey County. The entire county.
Hamilton County. The entire county.

Harrison County. The entire county.
Holmes County. The entire county.

Jackson County. The entire county.
Jefferson County. The entire county.

Lake County. The entire county.
Lawrence County. The entire county.

Licking County. The townships of Bowling Green, Eden, Fallsburg, Franklin, Granville, Hanover, Hopewell, Licking, Madison, Mary Ann, Newark, Newton, Perry, and Washington; and the city of Newark.

Lorain County. The townships of Amherst, Avon, Avon Lake, Black River, Columbia, Elyria, Ridgeville, and Sheffield; and the cities of Amherst, Elyria, Lorain, and Sheffield.

Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Richfield, Spencer, Springfield, Swanton, Sylvania, and Washington; and the cities of Maumee, Oregon, Sylvania, and Toledo.

Mahoning County. The entire county.

Medina County. The entire county.

Meigs County. The entire county.

Monroe County. The entire county.

Morgan County. The entire county.

Muskingum County. The entire county.

Noble County. The entire county.

Perry County. The townships of Bearfield, Harrison Monroe, and Pleasant.

Portage County. The entire county.

Richland County. The townships of Madison, Mifflin, and Monroe; and the city of Mansfield.

Ross County. The townships of Harrison, Jefferson, Liberty, Scioto, and Springfield, and the city of Chillicothe.

Stark County. The entire county.

Summit County. The entire county.

Trumbull County. The entire county.

Tuscarawas County. The entire county.

Vinton County. The entire county.

Washington County. The entire county.

Wayne County. The entire county.

Wood County. The townships of Lake, Perrysburg, Ross, and Rossford; and the city of Perrysburg.

(2) *Suppressive area.* None.

(o) *Pennsylvania*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(p) *Rhode Island*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(q) *South Carolina*—(1) *Generally infested area.*

Cherokee County. The entire county.

Dillon County. The entire county.

Greenville County. The entire county.

Marlboro County. The entire county.

Oconee County. The entire county.

Pickens County. The entire county.

Spartanburg County. The entire county.

(2) *Suppressive area.*

Aiken County. The entire county.

Florence County. The entire county.

Lexington County. The entire county.

Richland County. The entire county.

(r) *Vermont*—(1) *Generally infested area.*

Addison County. The entire county.

Bennington County. The entire county.

Chittenden County. The entire county.

Orange County. The entire county.

Rutland County. The entire county.

Washington County. The entire county.

Windham County. The entire county.

Windsor County. The entire county.

(2) *Suppressive area.* None.

(s) *Virginia*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(t) *West Virginia*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161, 19 F.R. 74, as amended; 7 CFR 301.43-2)

These administrative instructions shall become effective September 21, 1962, when they shall supersede P.P.C. 637, Revised, effective May 15, 1959, and amended effective April 26, 1962.

This revision amends the regulated areas as follows:

The entire State of Indiana (where Japanese beetle infestation is widespread) is placed under regulation, together with 7 entire counties and parts of 10 others in Georgia, 6 counties in Kentucky, and 11 counties in South Carolina. Three counties and parts of two others in Georgia as well as four counties in South Carolina are designated as suppressive areas, in which cooperative State-Federal measures aimed at eradicating the infestations will be carried out. All previously nonregulated areas in the States of New Hampshire and New York are included in the regulated areas, together with Washington County, Vermont.

In Maine, the counties of Androscoggin, Cumberland, and Kennebec, formerly partially regulated, have been included in their entirety, and the entire counties of Lincoln, Oxford, and Sagadahoc are regulated for the first time. The city of Brewer, in Penobscot County, Maine, has been removed from the regulated areas, since it is more practicable from an administrative standpoint to regulate this area under the State of Maine Japanese beetle quarantine.

In previously regulated counties of Ohio additions have been made as follows: three cities in Lorain County, seven townships and two cities in Lucas County, and two townships in Richland County. Additions in Ohio counties not previously regulated are: Ashland County, six townships; Butler County, eight townships and two cities; Hamilton, Jackson, and Vinton Counties in their entirety; Perry County, four townships; Ross County, five townships and one city; and Wood County, four townships and one city.

All areas listed in these administrative instructions, except for the small suppressive areas in Georgia and South Carolina, are designated as generally infested areas.

Fewer civil divisions have been included in the regulated area listed herein than in the notice of rule making published May 17, 1962 (27 F.R. 4692). The deletions involve three counties in Kentucky, several townships in Perry County, Ohio, and six counties in Vermont, which have been determined as not in sufficient proximity to Japanese beetle infestations to warrant their regulation.

Done at Washington, D.C., this 15th day of August 1962.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 62-3437; Filed, Aug. 21, 1962; 8:52 a.m.]

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables

REMOVAL OF TREATING REQUIREMENTS FOR IMMATURE HAWAIIAN COCONUTS

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine

tine Act of 1912, as amended (7 U.S.C. 161, 162), § 318.13-2(b) of the regulations supplemental to the quarantine relating to the interstate movement of Hawaiian fruits and vegetables (7 CFR 318.13-2(b)) is hereby amended by deleting the qualifying phrase, "in mature green or mature brown condition" from the item "Coconuts (*Cocos nucifera*)" appearing in the list of fruits and vegetables therein.

Pursuant to said authority, the provisions in §§ 318.13 and 318.13-1 through 318.13-14 are amended by deleting the phrase "The Territory of" wherever it precedes the word "Hawaii" and the heading for the part is amended to read as set forth above.

(Secs. 8, 9, 37 Stat. 318, as amended, 7 U.S.C. 161, 162)

The foregoing amendments shall become effective August 22, 1962.

The primary purpose of the amendments is to facilitate the interstate movement from Hawaii of coconuts in any stage of maturity. Prior to January 21, 1955, coconuts of any size were not considered fruit fly hosts and were moved from Hawaii without treatment but subject to inspection and certification. Preliminary observations in late 1954 indicated that newly set, small green coconuts might serve as the host of fruit flies in the larval and pupal stages and that mature green or mature brown coconuts are not fruit fly hosts since they are incapable of supporting larval development. As a result, the regulations were amended on January 21, 1955, to require treatment of immature coconuts as a condition of interstate movement.

A recent evaluation by the Entomology Research Division of the Agricultural Research Service of the fruit-fly-host relationship of immature coconuts has disclosed that they are not hosts of fruit flies and that there would be no risk of introducing the flies were coconuts of all sizes permitted interstate movement without treatment. Tourists occasionally wish to bring these immature exotic fruits back to the mainland with them. Lifting of the treating requirement will remove a source of minor irritation when tourists are required to surrender untreated immature coconuts. In order to be of maximum benefit to tourists who may bring back immature coconuts as souvenirs, this relieving of restrictions should be made effective as promptly as possible.

The amendments also delete obsolete references to the Territory of Hawaii since it is now a State.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of August 1962.

[SEAL]

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-8440; Filed, Aug. 21, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 25, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 908.325 (Valencia Orange Regulation 25, 27 F.R. 8026) are hereby amended to read as follows:

(ii) District 2: 450,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-8421; Filed, Aug. 21, 1962; 8:47 a.m.]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Order Amending Order, as Amended, Regulating Handling of Lemons Grown in California and Arizona

§ 910.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and

all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 9, 1962, upon proposed amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) **Determinations.** It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of lemons grown in designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1960, through October 31, 1961, handled not less than 80 percent of the lemons covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (November 1, 1960, through October 31, 1961) were engaged within the area in the production for market of the lemons covered by the said

order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 910.15 [Amendment]

1. The provisions of § 910.15 *Production area* are revised to read as follows:

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 910.22 [Amendment]

2. The following sentence is added at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower in District 3."

§ 910.23 [Amendment]

3. The following sentence is inserted immediately preceding the last sentence in § 910.23: "At least one of the growers so selected shall be a grower of lemons in District 3."

§ 910.29 [Amendment]

4. The amount "\$10" is deleted from § 910.29 and the amount "\$15" is substituted therefor.

5. A new § 910.33 is added as follows:

§ 910.33 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons; the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.51 [Amendment]

6. Paragraph (c) of § 910.51 is revised to read as follows:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.57 [Amendment]

7. The words "ten percent" are deleted wherever they appear in § 910.57 and the words "twenty percent" are substituted therefor.

8. A new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the time marketable lemons generally are available in District 3, issue special allotments to handlers in such district who have marketable lemons available for handling. Such handlers may apply to the committee for such allotments on forms prescribed by the committee, and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall determine the extent to which early availability allotment shall be granted. Such allotments approved by the committee shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however,* That early availability allotments issued to any handler shall not permit the handling of a larger share of the lemons available for current shipment of such handler than the share of the lemons available for current shipment in District 3 estimated at the beginning of the season, to be allotted to all handlers. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. When marketable lemons generally are available to the handlers in District 3, the early availability allotments issued shall be offset or repaid by deducting from the lemons available for current shipment of each handler who has received such allotments a quantity equal to the early availability allotments issued to him. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 910.64 [Amendment]

9. Paragraphs (a) and (b) of § 910.64 *Districts* are revised to read as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but shall exclude San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south or west of District 1, but shall exclude the area east of a line drawn due north and south through the post office in White Water, California.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 17, 1962, to become effective September 15, 1962, except for § 910.23 which is to become effective November 1, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-8436; Filed, Aug. 21, 1962;
8:51 a.m.]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962-63 Fiscal Period and Carryover of Unexpended Funds

Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.201 Expenses and rate of assessment for the 1962-63 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1962, and ending March 31, 1963, will amount to \$8,944.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at seventy-five cents (\$0.75) per ton of prunes so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ended March 31, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 924.42 of the said marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of fresh prunes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable prunes from the beginning of such period; and (3) the current fiscal period began on April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable prunes beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the

respective term in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 62-8420; Filed, Aug. 21, 1962;
8:47 a.m.]

**PART 927 — BEURRE D'ANJOU,
BEURRE BOSE, WINTER NELIS,
DOYENNE DU COMICE, BEURRE
EASTER, AND BEURRE CLAIRGEAU
PEARS GROWN IN OREGON,
WASHINGTON, AND CALIFORNIA**

**Determination Relative to Expenses
and Rate of Assessment for the
1962-63 Fiscal Period**

Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bose, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.201 Expenses and rate of assessment for the 1962-63 fiscal period.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1962, and ending June 30, 1963, both dates inclusive, will amount to \$36,589.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eight and one-half mills (\$.0085) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) Shipments of fresh pears are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment

for a particular fiscal period shall be applicable to all assessable pears from the beginning of such period; and (3) the current fiscal period began on July 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable pears beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 62-8418; Filed, Aug. 21, 1962;
8:47 a.m.]

**Chapter X—Agricultural Stabilization
and Conservation Service (Market-
ing Agreement and Orders); De-
partment of Agriculture**

[Milk Order No. 65]

**PART 1065—MILK IN NEBRASKA-
WESTERN IOWA MARKETING AREA**

Order Amending Order

§ 1065.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and whole-

some milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture was issued July 6, 1962, and the decision of the Assistant Secretary containing all amendment-provisions of this order, was issued July 31, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated

or condensed milk, and sterilized products packaged in hermetically sealed containers).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: September 1, 1962.

Signed at Washington, D.C., on August 16, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-8423; Filed, Aug. 21, 1962; 8:48 a.m.]

[Milk Order No. 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act:

(1) In § 1136.65(b) the phrase "(1) or" following "\$ 1136.66(a)";

(2) In the introductory text of § 1136.66(a), all the provisions following the phrase "month of transfer"; and

(3) Section 1136.66(a) (1), (3), and (4) in their entirety.

(b) Thirty days notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order will delete certain limitations pertaining to the transfer of entire bases. Such limitations now interfere with the operations of cooperative associations in making equitable distribution to member producers of the proceeds of sale of their milk.

(4) This termination action is based on written views submitted by interested parties in the market pursuant to a notice of proposed suspension or termination issued July 27, 1962. Views supporting termination were received from producers' associations representing more than 90 percent of the producers supplying the market. No opposing views were filed.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated effective upon publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 17, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-8441; Filed, Aug. 21, 1962; 8:52 a.m.]

[Milk Order No. 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Suspending Certain Provisions

Correction

In F.R. Doc. 62-7780, appearing at page 7709 of the issue for Saturday, August 4, 1962, the citation in paragraph (a) reading " (§ 1138.7(b))" should read " (§ 1138.7(b) (1))".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—PERMITS FOR ACCESS TO RESTRICTED DATA

Notice is hereby given of amendment of the regulations to provide for access to additional classified technology of benefit to private industry; to remove certain criteria formerly required for access to some of the categories of information; and to make minor revisions in addresses and terminology.

The Commission has found that good cause exists why the regulations in this part should be made effective without the customary 30-day period of notice.

Pursuant to the Administrative Procedures Act of 1946, and the Atomic Energy Act of 1954, as amended, the following revision is to be effective upon publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.	Purpose.
25.1	Applicability.
25.2	Definitions.
25.3	Interpretations.
25.4	Communications.
25.5	Categories of available information.
25.6	Specific waivers.

APPLICATIONS

25.11	Applications.
25.12	Noneligibility.
25.13	Additional information.
25.14	Public inspection of applications.
25.15	Requirements for approval of applications.

PERMITS

25.21	Issuance.
25.22	Scope of permit.
25.23	Terms and conditions of access.
25.24	Administration.
25.25	Term and renewal.
25.26	Assignment.
25.27	Amendment.
25.28	Commission action on application to renew or amend.
25.29	Suspension, revocation and termination of permits.
25.30	Exceptions and additional requirements.
25.31	Violations.

AUTHORITY: §§ 25.1 to 25.31 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 25.1 Purpose.

This part establishes procedures and standards for the issuance of an Access Permit to any person subject to this part who requires access to Restricted Data applicable to civil uses of atomic energy for use in his business, trade or profession; provides for the amendment, renewal, suspension, termination and revocation of an Access Permit; and specifies the terms and conditions under which the Commission will issue the Permit.

§ 25.2 Applicability.

The regulations in this part apply to any person within or under the jurisdiction of the United States who desires access to Restricted Data for use in his business, profession or trade.

§ 25.3 Definitions.

As used in this part:

(a) "Access Permit" means a permit, issued by the Atomic Energy Commission, authorizing access by the named permittee to Restricted Data applicable to civil uses of atomic energy in accordance with the terms and conditions stated on the permit.

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(c) "Category" means a category of Restricted Data designated in Appendix "A" to the regulations in this part.

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(e) "Permittee" means the holder of a permit issued pursuant to the regulations in this part.

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any state or any political subdivision of, or any political entity within a state, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(g) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.

§ 25.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 25.5 Communications.

Communications concerning rule making, i.e., petition to change Part 25, should be addressed to Secretary, U.S. Atomic Energy Commission, Washington 25, D.C. All other communications con-

cerning the regulations in this part, and applications filed under them, should be addressed to the Commission Operations Office listed in Appendix "B" of this part responsible for the geographical area in which (a) the applicant's principal place of business is located, or (b) the principal place where the applicant will use the Restricted Data is located.

§ 25.6 Categories of available information.

For administrative purposes the Commission has categorized Restricted Data which will be made available to permittees in the categories as set forth in Appendix "A" to this part. Top Secret information; information pertaining to the design, manufacture or utilization of atomic weapons; and defense information other than Restricted Data are not included in these categories and will not be made available under this part.

§ 25.7 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

APPLICATIONS

§ 25.11 Applications.

(a) Any person desiring access to Restricted Data pursuant to this part should submit an application (Form AEC 378), in triplicate, for an access permit to the Commission's Operations Office, listed in Appendix "B" to this part, responsible for the area in which (1) the applicant's principal place of business is located, or (2) the principal place where the applicant will use the Restricted Data is located.

(b) Where an individual desires access to Restricted Data for use in the performance of his duties as an employee, the application for an access permit must be filed in the name of his employer.

(c) Self-employed private consultants, desiring access to Restricted Data, must file the application in their own name for an individual access permit.

(d) Each application should contain the following information:

(1) Name of applicant (unincorporated subsidiaries or divisions of a corporation must apply in the name of the corporation);

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) (i) If applicant is an individual, state citizenship.

(ii) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business.

(iii) If applicant is a corporation or an unincorporated association, state:

(a) The state where it is incorporated or organized and the principal location where it does business;

(b) The names, addresses and citizenship of its directors and of its principal officers;

(c) Whether it is owned, controlled or dominated by an alien, a foreign corpora-

tion, or foreign government, and if so, give details.

(iv) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and furnish information required under this subparagraph with respect to such principal;

(5) Total number of full-time employees;

(6) Classification of Restricted Data (Confidential or Secret) to which access is requested;

(7) Potential use of the Restricted Data in the applicant's business, profession or trade. If access to Secret Restricted Data is requested, list the specific categories by number and furnish detailed reasons why such access within the specified categories is needed by the applicant. The need for Secret information should be stated by describing its proposed use in specific research, design, planning, construction, manufacturing, or operating projects; in activities under licenses issued by the Commission; in studies or evaluations planned or under way; or in work or services to be performed for other organizations. In addition, if access to Secret Restricted Data in category C-65, Plutonium Production, or Category C-24, Isotope Separation—Gas Centrifuge Method, is requested, the application should also include sufficient information to satisfy the requirements of § 25.15(b) (2) or (3), as the case may be.

(8) Principal Location(s) at which Restricted Data will be used.

(e) Applications should be signed by a person authorized to sign for the applicant.

(f) Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest and as to all other matters and things required to be disclosed.

§ 25.12 Noneligibility.

The following persons are not eligible to apply for an access permit:

(a) Corporations not organized under the laws of the United States or a political subdivision thereof.

(b) Any individual who is not a citizen of the United States.

(c) Any partnership not including among the partners one or more citizens of the United States; or any other unincorporated association not including one or more citizens of the United States among its principal officers.

(d) Any organization which is owned, controlled or dominated by the Government of, a citizen of, or an organization organized under the laws of a country or area listed as a Subgroup A country or destination in § 371.3 (15 CFR 371.3) of the Comprehensive Export Schedule of the United States Department of Commerce.

(e) Persons subject to the jurisdiction of the United States who are not doing business within the United States.

§ 25.13 Additional information.

The Commission may, at any time after the filing of the original application and before the termination of the permit, require additional information in order to enable the Commission to de-

termine whether the permit should be granted or denied or whether it should be modified or revoked.

§ 25.14 Public inspection of applications.

Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with the regulations contained in Part 2 of this chapter.

§ 25.15 Requirements for approval of applications.

(a) An application for an access permit authorizing access to Confidential Restricted Data in the categories set forth in Appendix "A" (except C-91) will be approved only if the application demonstrates that the applicant has a potential use or application for such data in his business, trade or profession and has filed a complete application form.

(b) (1) An application for an access permit authorizing access to Secret Restricted Data will be approved only if the application demonstrates that the applicant has a need for such data in his business, trade or profession and has filed a complete application form.

(2) An application for an access permit authorizing access to Secret Restricted Data in category C-65 Plutonium Production will be approved only if the application demonstrates also that the applicant:

(i) Is directly engaged in a substantial effort to develop, design, build or operate a chemical processing plant or other facility related to his participation in the peaceful uses of atomic energy for which such production rate and cost data are needed; or

(ii) Is furnishing to a permittee having access to C-65 under subdivision (i) of this subparagraph, substantial scientific, engineering or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to category C-65.

(3) An application for an access permit authorizing access to Secret Restricted Data in Category C-24, Isotope Separation—Gas Centrifuge Method, will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the gas centrifuge method of isotope separation and is directly engaged in or proposes to engage in a substantial research and development program in the centrifuge field or a substantial effort to develop, design, build or operate a gas centrifuge plant; or

(ii) Is furnishing to a permittee having access to Category C-24 under the subdivision (i) of this subparagraph substantial scientific, engineering or other professional services to be used by said permittee in carrying out the activities for which said permittee received access to Category C-24.

(4) An application for an access permit authorizing access to Confidential and Secret Restricted Data in C-91, Nuclear Reactors for Rocket Propulsion,

will be approved only if the application demonstrates also that the applicant:

(i) Possesses qualifications demonstrating that he is capable of making a contribution to research and development in the field of nuclear reactors for rocket propulsion and is directly engaged in or proposes to engage in a substantial research and development program in such field of work; or

(ii) Is engaged in or proposes to engage in a substantial study program in the field of nuclear reactors for rocket propulsion preparatory to the submission of a research and development proposal to the Atomic Energy Commission; or

(iii) Is furnishing to a permittee having access under subdivision (i) or (ii) of this subparagraph substantial scientific, engineering or other professional services to be used by that permittee in a study or research and development program for which said permittee received access.

PERMITS

§ 25.21 Issuance.

(a) Upon a determination that an application meets the requirements of this regulation, the Commission will issue to the applicant an access permit on Form AEC 379.

(b) An Access Permit is not an access authorization. It does not authorize any individual not having an appropriate AEC access authorization to receive Restricted Data. See § 25.24 and Part 95 of this chapter.

§ 25.22 Scope of permit.

(a) All access permits will as a minimum authorize access, subject to the terms and conditions of the access permit to Confidential Restricted Data in all of the categories set forth in Appendix "A", except C-91.

(b) In addition, access permits may authorize access, subject to the terms and conditions of the access permit to such Secret Restricted Data as is included within the particular category or categories specified in the permit.

§ 25.23 Terms and conditions of access.

(a) Neither the United States, nor the Commission, nor any person acting on behalf of the Commission makes any warranty or other representation, express or implied, (1) with respect to the accuracy, completeness or usefulness of any information made available pursuant to an access permit, or (2) that the use of any such information may not infringe privately owned rights.

(b) The Commission hereby waives such rights with respect to any invention or discovery as it may have pursuant to section 152 of the Act by reason of such invention or discovery having been made or conceived in the course of, in connection with, or resulting from access to Restricted Data received under the terms of an access permit. (Note provisions of § 25.23(d).)

(c) Each permittee shall:

(1) Comply with all applicable provisions of the Atomic Energy Act of 1954 and with Part 95 of this chapter and

with all other applicable rules, regulations and orders of the Commission;

(2) Be deemed to have waived all claims for damages under section 183 of title 35 U.S. Code by reason of the imposition of any secrecy order on any patent application and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with or as a result of access to Restricted Data received under the terms of the access permit;

(3) Be deemed to have waived any and all claims against the United States, the Commission and all persons acting on behalf of the Commission that might arise in connection with the use, by the applicant, of any and all information supplied by them pursuant to the access permit;

(4) Obtain and preserve in his files written agreements from all individuals who will have access to Restricted Data under his access permit. The agreement shall be as follows:

In consideration for receiving access to Restricted Data under the access permit issued by the AEC, I hereby agree to:

(a) Waive all claims for damages under section 183 of Title 35 U.S. Code by reason of the imposition of any secrecy order on any patent application, and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with or resulting from access to Restricted Data received under the terms of the access permit issued to (insert the name of the holder of the access permit);

(b) Waive any and all claims against the United States, the Commission and all persons acting on behalf of the Commission that might arise in connection with the use, by me, of any and all information supplied by them pursuant to the access permit issued to (insert the name of the holder of the access permit).

In the case of an access permit authorizing access to Secret Restricted Data in Category C-24, Isotope Separation—Gas Centrifuge Method, the agreement shall also provide for such requirements, as the permittee considers necessary for purposes of fulfilling its obligations under paragraph (d) of this section.

(5) Pay all established charges for personnel access authorizations, AEC consulting services, publication and reproduction of documents, and such other services as the Commission may furnish in connection with the access permit.

(d) The following terms and conditions are applicable to an access permit authorizing access to Secret Restricted Data in Category C-24, Isotope Separation—Gas Centrifuge Method, irrespective of whether access to the Commission's Restricted Data information is desired:

(1) The permittee will, upon request, grant to the United States a non-exclusive, irrevocable license, to use and have used for Government purposes any U.S. patent or any U.S. patent application (otherwise in condition for allowance except for a secrecy order thereon) on any invention or discovery made or

conceived during the term of the permit and for one year thereafter, by the permittee or its employees or others engaged by the permittee, in the course of the permittee's work in the gas centrifuge field. The United States will pay reasonable royalties for any such use it may make of any such invention or discovery.

(2) The permittee will, upon request, grant to the Commission the right to use, for any Commission research, development, production, or manufacturing programs, any technical information or data of a proprietary nature, developed during the term of the permit, and for one year thereafter, by the permittee or its employees or others engaged by the permittee, in the course of the permittee's work in the gas centrifuge field and not covered by a U.S. patent or U.S. patent application referred to in subparagraph (1) of this paragraph. In the event that the Commission desires to make use of such proprietary technical information or data, it will pay reasonable compensation therefor. If the Commission disseminates any such proprietary technical information or data in its possession to any of its contractors for use in any Commission research, development, production, or manufacturing programs, it will do so under contractual provisions pursuant to which the contractor would undertake to use this information only for the work under the pertinent Commission contract. Notwithstanding the foregoing provisions of this subparagraph, the permittee waives any claim against the Commission for compensation or otherwise, in connection with any use or dissemination of information or data not specifically identified and claimed by the permittee as proprietary in a written notice to the Commission at the time of the furnishing of the information or data to the Commission. As used in this subparagraph, the term "technical information or data of a proprietary nature" means information or data which:

(i) Is not the property of the Government by virtue of any agreement;

(ii) Concerns the details of trade secrets or manufacturing processes which the permittee has protected from use by others; and

(iii) Is specifically identified as proprietary at the time it is made available to the Commission.

Technical information or data shall not be deemed proprietary in nature whenever substantially the same technical information is available to the Commission which has been prepared, developed or furnished as nonproprietary information by another source independently of the proprietary information and data furnished by the permittee.

(3) The acceptance, exercise, or use of the licenses or rights provided for in subparagraphs (1) and (2) of this paragraph shall not prevent the Government, at any time, from contesting their validity, scope or enforceability.

(4) The permittee agrees to make quarterly reports to the Commission in writing, in reasonable detail, respecting all technical information or data which

the permittee or the Commission considers may be of interest to the Commission, including reports of patent applications on inventions or discoveries and of technical information and data of a proprietary nature. These reports will cover the results of the permittee's work in the gas centrifuge field. All reports referred to in this subparagraph shall pertain only to activities during the term of the access permit and for one year thereafter.

(5) The permittee agrees to make available to the Commission, at all reasonable times, for inspection by Commission personnel, or by mutual agreement, others on behalf of the Commission, all experimental equipment and technical data developed, during the term of the permit and for one year thereafter, by the permittee or its employees or others engaged by the permittee, in the course of the permittee's work in the gas centrifuge field. The foregoing provision of this subparagraph shall be subject to the provisions of subparagraphs (1) and (2) of this paragraph.

§ 25.24 Administration.

With respect to each permit issued pursuant to the regulations in this part, the cognizant Operations Office will:

(a) Process all personnel access authorizations requested in connection with the permit;

(b) Review the procedures submitted by the Applicant, in accordance with Part 95 of this chapter, for the safeguarding of Restricted Data; and

(c) Provide information to the permittee with respect to the sources and locations of Restricted Data available under this permit and to assist the permittee in other matters pertaining to the administration of his permit.

§ 25.25 Term and renewal.

(a) Each access permit will be issued for a two year term, unless otherwise stated in the permit.

(b) Applications for renewal shall be filed in accordance with § 25.11. Each renewal application must be complete, without reference to previous applications. In any case in which a permittee has filed a properly completed application for renewal more than thirty (30) days prior to the expiration of his existing permit, such existing permit shall not expire until the application for a renewal has been finally acted upon by the Commission.

§ 25.26 Assignment.

An access permit is nontransferable and nonassignable.

§ 25.27 Amendment.

An access permit may be amended from time to time upon application by the permittee. An application for amendment may be filed, in triplicate, in letter form and shall be signed by an individual authorized to sign on behalf of the applicant. The term of an access permit shall not be altered by an amendment thereto.

§ 25.28 Commission action on application to renew or amend.

In considering an application by a permittee to renew or amend his permit, the Commission will apply the criteria set forth in § 25.15. Failure of an applicant to reply to a Commission request for additional information concerning an application for renewal or amendment within 60 days shall result in a rejection of the application without prejudice to resubmit a properly completed application at a later date.

§ 25.29 Suspension, revocation and termination of permits.

The Commission may revoke or suspend any access permit for any material false statement in the application or in any report submitted to the Commission pursuant to the regulations in this part or because of conditions or facts which would have warranted a refusal to grant the permit in the first instance, or for violation of any of the terms and conditions of the Atomic Energy Act of 1954 or Commission rules, regulations or orders issued pursuant thereto. A permittee should request termination of his permit when he no longer requires Restricted Data for use in his business, trade or profession.

§ 25.30 Exceptions and additional requirements.

Notwithstanding any other provision in the regulations in this part, the Commission may deny an application for an access permit or suspend or revoke any access permit, or incorporate additional conditions or requirements in any access permit, upon finding that such denial, revocation or the incorporation of such conditions and limitations is necessary or appropriate in the interest of the common defense and security or is otherwise in the public interest.

§ 25.31 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

Categories of Restricted Data Available (Including Scope Notes for Each Category).

C-24 Isotope Separation—Gas Centrifuge Method. This category includes information on the following:

(a) Any aspect of separating one or more isotopes of an element from a composition containing a mixture of isotopes of that element by the gas centrifuge method.

(b) Design, construction and operation of any plant, facility or device capable of separating one or more isotopes of an element from a composition containing a mixture of isotopes of that element by the gas centrifuge method, including means and methods of transporting materials from one to another centrifuge.

C-44 Nuclear Technology. This category includes classified technical information

concerning nuclear technology. It may contain information on the following:

a. Materials, including metals, ceramics, organic and inorganic compounds. Included are such technical areas as the technology and fabrication of fuel elements, corrosion studies, cladding techniques and radiation studies.

b. Chemistry, chemical engineering and radiochemistry of all the elements and their compounds. Included are techniques and processes of chemical separations, radioactive waste handling and feed material processing.

c. Reactor physics, engineering and technology including theory, design, criticality studies and operation of reactors, reactor systems and reactor components.

This category does not include information which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the plutonium production program.

C-65 Plutonium Production. This category includes information on reactor, fuel element and separations technology which reveals or from which can be calculated actual or planned (as distinguished from design) capacities, production rates and unit costs for the Hanford and Savannah River production facilities.

Technology which does not reveal or enable calculation of production rates and unit costs of Hanford or Savannah River production facilities is categorized in C-44 Nuclear Technology.

C-90 Nuclear Reactors for Ram-Jet Propulsion. This category includes information on:

a. Programs pertaining to the development of nuclear reactors for application to ram-jet propulsion systems including theory and/or design, test philosophy procedures and/or results.

b. Fabrication technology and evaluation of performance or characteristics of materials or components for such reactors.

c. Controls, control systems and instrumentation relating to the design or technology of such reactors.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of materials under conditions of high temperature, high gas flows or other environmental conditions characteristic of ram-jet propulsion systems.

This category does not include information on:

a. Design details of weapons systems or nuclear warheads.

b. Military operational techniques or characteristics.

c. General aspects of nuclear ram-jet missiles, such as payload, aerodynamic characteristics, guidance systems, physical size, gross weight, thrust and information of this kind which is associated with utilization of a nuclear ram-jet propulsion system.

C-91 Nuclear Reactors for Rocket Propulsion. This category includes information on:

a. Programs pertaining to nuclear reactors for rocket propulsion, i.e., missile propulsion, theory and/or design, test philosophy procedures and/or results.

b. Design, fabrication technology and evaluation of performance or characteristics of material, components, or subsystems or nuclear rocket reactors.

c. Controls, control systems and instrumentation relating to the design or technology of rocket reactor systems.

d. Data pertaining to heat transfer, propellant kinetics or corrosion and erosion of rocket reactor system materials under conditions of high temperature, high gas flows,

or other environmental conditions characteristic of rocket reactors.

This category does not include information on:

- a. Design details of weapons systems or nuclear warheads.
- b. Military operational techniques or characteristics.
- c. General aspects of payload and aerodynamic characteristics.
- d. Design details and development information of components and subsystems of the nuclear rocket engine other than that associated with the reactor system.

C-92 Systems for Nuclear Auxiliary Power (SNAP). This category includes information on:

- a. Isotopic SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the device, including power conversion device and the fuels used.

- b. Reactor SNAP Program, including theory, design, research and development, fabrication, test procedures and results for the reactor, including the directly associated power conversion device when developed by the AEC.

This category does not include basic technical and scientific data developed under the SNAP Advanced Concept Program which should be reported in C-93.

C-93 Advanced Concepts for Future Application.

C-93a Reactor Experiments. This category includes classified technical information developed in the pursuit of work on new or advanced concepts of reactors or components which the AEC considers essential to future growth or for general application to future generations of reactors. Classified information developed in the pursuit of work on the lithium cooled reactor experiment is an example of the type of information to be reported in this category, i.e., information resulting from an experimental reactor project or component development which may have many future applications but which is not currently being pursued to meet the specific needs of an approved requirement for which other information categories have been provided. For example, classified technical information developed in the pursuit of work on Naval, Ram-Jet or Rocket nuclear reactors would not be reported here but under their respective specific categories. This category will include classified technical information on the following:

- a. Theory, design, and performance, either estimated or actual.
- b. Design details, composition and performance characteristics of major components (e.g., fuel media, reflectors, moderators, heat exchangers, pressure shells or containment devices, control rods, conversion devices, instrumentation and shielding).
- c. Material (metals, ceramics and compounds) development, alloying, cladding, corrosion, erosion, radiation studies and fabrication techniques.
- d. Chemistry, including chemical engineering, processes and techniques. Reactor physics, engineering and criticality studies.

C-93b Conversion Devices. This category includes classified technical information developed in the pursuit of studies, designs, research and development, fabrication and operation of any energy conversion device to be used with nuclear energy sources which is not being applied to a specific system development project.

C-94 Military Compact Reactor (MCR). This category includes classified technical information on the actual or planned Military Compact Reactor and its components developed in the pursuit of studies, designs, research and development, fabrication, and operation of the reactor system or its components.

Examples of the areas of information included are:

- a. Reactor core physics.
- b. Fuel elements and fuel element components.
- c. Moderator and reflector details.
- d. Data on primary coolant system.
- e. Radiation shield.
- f. Controls and instrumentation.

This category does not include information on military operational characteristics or techniques.

APPENDIX B

Commission's operations offices and geographical areas of responsibility

Albuquerque Operations Office, U.S. Atomic Energy Commission, P.O. Box 5400, Albuquerque, N. Mex.: Arizona, Kansas, New Mexico, Oklahoma, and Texas.

Chicago Operations Office, U.S. Atomic Energy Commission, 9800 South Cass Avenue, Argonne, Ill.: Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Hanford Operations Office, U.S. Atomic Energy Commission, P.O. Box 550, Richland, Wash.: Alaska, Oregon, and Washington.

New York Operations Office, U.S. Atomic Energy Commission, 376 Hudson Street, New York 14, N.Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

Oak Ridge Operations Office, U.S. Atomic Energy Commission, P.O. Box E, Oak Ridge, Tenn.: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Panama Canal Zone, Puerto Rico, Tennessee, Virginia, Virgin Islands, and West Virginia.

San Francisco Operations Office, U.S. Atomic Energy Commission, 2111 Bancroft Way, Berkeley 4, Calif.: California, Colorado, Hawaii, Idaho, Montana, Nevada, Utah, Wyoming, and U.S. Pacific Territories.

Savannah River Operations Office, U.S. Atomic Energy Commission, P.O. Box A, Aiken, S.C.: Alabama, Florida, Georgia, North Carolina, and South Carolina.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 15th day of August 1962.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 62-8435; Filed, Aug. 21, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-85]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

Correction

In F.R. Doc. 62-7580, appearing at page 7607 of the issue for Thursday, August 2, 1962, item 2 should read as follows:

2. In the text of § 601.4201 (27 F.R. 5765) "Fantail INT: The INT of the 187° bearing from the Key West, Fla., RR with latitude 24°00'00" N." and "Cortez

INT: The INT of the 209° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N." are deleted and "Blue Fin INT: The INT of the San Juan, P.R. 314° and the Ramey AFB, P.R. 028° radials.", "Sailfish INT: The INT of the San Juan, P.R. 333° and the Ramey AFB, P.R. 036° radials." and "Idaho INT: The INT of the Ramey AFB, P.R. 326° and the 012° bearing from the Mona Island, P.R. RBN." are added.

[Airspace Docket No. 62-SW-10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On June 5, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5270) stating that the Federal Aviation Agency proposed to alter the Midland, Tex., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the text of § 601.2320 (14 CFR 601.2320) is amended to read: "Within a 5-mile radius of the Midland Air Terminal (latitude 31°56'20" N., longitude 102°12'10" W.) and within 2 miles either side of the 114° bearing from the Midland RBN extending from the 5-mile radius zone to the RBN."

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on Aug. 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8406; Filed, Aug. 21, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-41]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2039 of the regulations of the Administrator is to alter the Tulsa, Okla., control zone.

The Tulsa control zone is designated, in part, on the Tulsa radio beacon. The control zone extension based on this navigational aid is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Tulsa

radio beacon. Requirements for this area will be reviewed at a later date under the CAR Amendment 60-21/60-29 implementation program.

Since the change effected by this amendment is less restrictive in nature than the present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the text of § 601.2039 (27 F.R. 4809) is amended to read: "Within a 5-mile radius of the Tulsa Municipal Airport (latitude 36°12'01" N., longitude 95°53'15" W.); within 2 miles either side of the ILS localizer N. course extending from the 5-mile radius zone to the Owasso, Okla., RBN; within 2 miles either side of the Tulsa VORTAC 268° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the ILS localizer S. course extending from the 5-mile radius zone to the ILS OM."

This amendment shall become effective 0001 e.s.t. October 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 15, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-8407; Filed, Aug. 21, 1962;
8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Manchester Harbor, Mass.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.64 is hereby prescribed to govern the operation of the Boston and Maine Railroad Bridge across Manchester Harbor, Manchester, Massachusetts, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.64 Manchester Harbor, Mass.;
Boston and Maine Railroad Bridge
at Manchester.

(a) The draw shall be opened promptly on signal for the passage of vessels from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 6:00 p.m. (local time) each day of the week from April 1 to November 1, inclusive.

(b) At times other than those specified in paragraph (a) of this section, advance notice of at least 2 hours is required for opening the draw between

the hours of 6:45 a.m. and 3:45 p.m., and 5 hours for opening at times other than specified above. The notice is to be given to the Chief Dispatcher, Boston and Maine Railroad, Boston, Massachusetts.

(c) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof in such manner that it can easily be read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative in paragraph (b) of this section may be reached.

[Regs., Aug. 8, 1962, 285/111 (Manchester Harbor, Mass.)—ENGOW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-8404; Filed, Aug. 21, 1962;
8:45 a.m.]

PART 204—DANGER ZONE REGULATIONS

Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; Correction

Section 204.179, appearing as part of F.R. Document 62-7294, published at 27 F.R. 7096, July 26, 1962, is corrected to read as follows:

§ 204.179 Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; danger zones.

(a) *The prohibited areas*—(1) *Area A.* The waters of Lake Michigan at the south side of the entrance to Belmont Harbor within an area beginning at a point on the lake shore of the peninsula at latitude 41°56'28", longitude 87°38'02"; thence to latitude 41°56'27", longitude 87°37'59.5"; thence to latitude 41°56'21", longitude 87°37'58.5"; thence to latitude 41°56'15", longitude 87°37'57.5"; thence to a point on shore at latitude 41°56'14.5", longitude 87°37'58"; and thence northerly along the shore line to the point of beginning.

(2) *Area B.* The waters of Belmont Harbor at the south side of the entrance to the harbor within an area beginning at a point on the harbor side of the peninsula at latitude 41°56'28.5", longitude 87°38'04.5"; thence to latitude 41°56'28", longitude 87°38'08"; thence to a point on shore at latitude 41°56'23", longitude 87°38'07"; thence northerly along the shore line to the point of beginning.

(b) *The regulations.* (1) No vessel shall enter the danger zones at any time.

(2) The regulations in this section shall be enforced by the Commander, 9th U.S. Coast Guard District, Cleveland, Ohio, or his designated agent.

[Regs., July 10, 1962, 285/111—ENGOW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-8405; Filed, Aug. 21, 1962;
8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PAYMENT OF DISABILITY COMPENSATION WITH DEDUCTION OF LUMP-SUM READ- JUSTMENT PAY

A new § 3.1569 is added to read as follows:

§ 3.1569 Payment of disability compensation with deduction of lump-sum readjustment pay.

(a) *Effect of the law*—(1) *Prior provisions.* Public Law 676, 84th Congress provided lump-sum readjustment pay for reservists with at least 5 years of continuous active duty who were involuntarily released from such active duty. A person entitled to readjustment pay who was also eligible for compensation could elect to receive either benefit, but not both, his election becoming final with respect to all prior service, thereby prohibiting a subsequent reelection of the other benefit. Election of readjustment pay did not act as a bar to disability compensation based on subsequent service. Election of readjustment pay did not act as a bar to receipt of pension, nor did receipt of pension bar receipt of readjustment pay.

(2) *Present provisions.* Under Public Law 87-509 readjustment pay is calculated on a more liberal basis. It provides as to such releases after its enactment date that such persons may receive readjustment pay in addition to compensation subject to deduction from the compensation of an amount equal to 75 percent of the readjustment pay. Public Law 87-509 also provides that notwithstanding an election under Public Law 676, 84th Congress, to receive lump-sum readjustment pay, any person who made such an election may be awarded compensation to which he is otherwise entitled, subject to deduction from the compensation of an amount equal to 75 percent of the readjustment pay. This provision is effective as of the date of enactment. Informal information has been received from the Department of Defense that veterans who elected to receive compensation under Public Law 676, 84th Congress may not now elect to receive readjustment pay. Compensation to which the person is entitled on the basis of subsequent service is not subject to deduction. There continues to be no bar to the receipt of pension and readjustment pay.

(b) *Effective date.* The law becomes effective June 28, 1962, with respect to an award of compensation subject to recoupment of readjustment pay.

(1) *Original claims.* (i) As to veterans separated from service under the provisions of Public Law 87-509 on or after June 29, 1962, the effective date will be the day following separation

from service if claim is filed within 1 year from that date; otherwise from date of claim.

(ii) As to veterans separated from service prior to June 29, 1962, the effective date will be the date claim is filed or June 28, 1962, whichever is the later.

(2) *Reopened claims.* Where a claim for compensation was disallowed because of an election to receive readjustment pay and it does not come within the definition of a pending claim under subparagraph (3) of this paragraph, the effective date of an award of compensation will be the date of claim or June 28, 1962, whichever is the later.

(3) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of enactment will be June 28, 1962. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending appellate consideration.

(iii) A previously disallowed claim reopened by receipt of any claim, evidence or inquiry on which action was pending on June 28, 1962.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after June 28, 1962, but within the appeal period. (Instruction 1, Public Law 87-509.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 22, 1962.

[SEAL]

W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-8478; Filed, Aug. 21, 1962;
8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Control Committee, established under the amended Marketing Agreement and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve shall not exceed approximately one fiscal period's expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid amended marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of \$2,500, which are in excess of expenses incurred during the fiscal period ended June 30, 1962, shall be placed in said reserve, and may be used, in accordance with the provisions of § 927.42 of the said amended marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 62-8422; Filed, Aug. 21, 1962;
8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Regulatory Docket No. 1347; Draft Release
No. 62-39]

AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, LARGE COMMERCIAL OPERATORS, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise Part 42 of the Civil Air Regulations as herein-after set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before October 23, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

A revision of Part 42 of the Civil Air Regulations has been under consideration for some time, the last proposed revision having been circulated by the Civil Aeronautics Board in Draft Release 54-5 dated February 25, 1954, (not published in FEDERAL REGISTER).

The Board's proposal took cognizance of those areas wherein supplemental or irregular air carrier operations differ from those of certificated route air carriers (scheduled). It also recognized the many areas in which such operations are similar, and attempted to achieve as much uniformity in such areas as is practicable between the provisions of Part 42 and those contained in Parts 40 and 41 of this chapter (Civil Air Regulations). Subsequent to the issuance of that draft release the safety rule making authority was transferred to the Federal Aviation Agency by the Federal Aviation Act of 1958. However, the Agency decided to postpone further action on Draft Release 54-5 pending the issuance of a revised Part 41 which would incorporate in that part rules reflecting current concepts for the certification and operation of international air carriers.

Currently effective Part 42 prescribes the certification and operating rules for

large irregular or supplemental air carriers operating in interstate, overseas, or foreign air transportation. It also applies to scheduled air carriers when conducting charter flights or other special services, air carriers authorized by the Board to engage in scheduled air transportation of cargo, commercial operators operating under the authority of Part 45, and to air taxi operators operating pursuant to Special Civil Air Regulation No. SR-395A.

This proposed revision of Part 42 will apply to the following operators of aircraft: supplemental air carriers, large commercial operators, certificated route air carriers when conducting charter flights or other special services, and air carriers conducting scheduled all-cargo operations when authorized under the provisions of Part 40 or 41.

There are two basic reasons for this proposed revision of Part 42:

First, the Agency agrees with the opinion expressed in the Board's Draft Release 54-5 that the same safety standards should apply to supplemental or irregular air carriers and certificated route air carriers wherever practicable. Moreover, in those instances where the inherent differences in the types of operations require a difference, the rules should incorporate substantially equivalent safety standards. While this objective has been sought in existing regulations, differences in form and language of the parts concerned frequently led to differences in operating practices which did not achieve this objective.

Second, it is believed that the current requirements need to be restated, clarified, and in certain instances brought up to date to incorporate current practices. To accomplish this, the organization of this proposed revision of Part 42 follows the same general format as Part 40 and the recently adopted revision of Part 41. When applicable, the same wording and numbering system as appears in Part 40 and the revised Part 41 have been used. This procedure thus provides uniformity and greater ease in the understanding and administration of these regulations.

Although current Part 42 contains regulations governing both large and small aircraft operations this proposal does not contain separate rules for large and small aircraft operations. However, an air carrier conducting operations subject to this part with small aircraft may be permitted to apply for operations specifications authorizing him to conduct those operations under Part 47. When Part 47 is adopted and becomes effective, it will primarily govern small aircraft operations conducted by air taxi and commercial operators. Also, when this proposed revision of Part 42 is adopted and becomes effective it will govern large aircraft operations conducted by commercial operators. As a consequence, when Parts 47 and revised Part 42 are both effective present Part 45 will no longer be needed to govern commercial

operators and will, therefore, be rescinded.

Many of the provisions appearing in Draft Release 54-5 have been changed in this proposal. A number of these changes reflect pertinent amendments to the Civil Air Regulations which have been adopted since the circulation of the draft release. Other changes are the result of evaluation of comments received in response to that draft release and reflect the current views of the Federal Aviation Agency with regard to the rules governing operations subject to this part.

It is recognized that several outstanding draft releases pertaining to the use of aircraft simulators for pilot training and proficiency checks, and the requirements for airborne distance measuring equipment, have not been included in this proposed revision. However, upon finalization of the rules, as a result of the outstanding draft releases, the resultant new rules will be incorporated into the revised Part 42.

The differences between the provisions of this proposal and those in current Part 42 and previous Draft Release 54-5 are too numerous to be listed in their entirety. However, some significant differences reflected in this current proposal are as follows:

1. Section 42.1 *Applicability of this part*. This section is so worded as to make clear our intent that the revised part will apply to only the following operators of aircraft: Supplemental air carriers, large commercial operators, certificated route air carriers when conducting charter flights or other special services, and air carriers conducting scheduled all-cargo operations when authorized under the provisions of Part 40, 41, or 46 of this chapter (Civil Air Regulations). The title of proposed Part 42 has also been changed to more accurately describe the type of operator to which it applies.

Since the part would apply to the persons specified in § 42.1 when using aircraft, it would govern those operations conducted with helicopters as well as those conducted with airplanes. (See § 42.26 of the proposal for rules which are specifically applicable to helicopter operations.)

2. Section 42.1 *Certificate required*. Previously issued supplemental or irregular air carrier operating certificates, and large commercial operator certificates which are in force on the effective date of this proposed part would remain valid as certificate authority to conduct operations in accordance with the new part until the expiration date specified on the certificate. Thereafter, the holder of such a certificate must obtain new certificate authority issued under Part 42 as revised in order to continue aircraft operations as a supplemental air carrier, or large commercial operator.

3. Section 42.12 *Application for original certification and renewal of certificates*. In order to provide the Agency with sufficient time to determine whether an applicant for an operating certificate is properly and adequately equipped to conduct a safe operation, it is proposed to require applications to be filed with the FAA at least 60 days prior to the date of intended operation, or 60

days prior to the date on which a certificate expires in the case of applications for renewal.

4. Section 42.13 *Issuance of operating certificate*. In this section it is proposed to include provisions under which the Administrator may deny the issuance of an operating certificate to an applicant who has previously had an air carrier operating certificate or commercial operator certificate revoked, or when any person who will be in control of or have a substantial ownership interest in the applicant has previously exercised control over any other operator whose air carrier or commercial operator certificate has been revoked.

5. Section 42.16 *Duration of certificate*. In the interest of safety, a person who qualifies for, and is issued, an operating certificate required by this proposed part must continue to meet the certificate and other requirements of the part upon which initial issuance of the certificate was based. Under the provisions of this section an operating certificate issued under the proposed part may be suspended or revoked by the Administrator for any cause which, at the time of suspension or revocation, would have been grounds for denying the holder of such certificate a like certificate.

6. Sections 42.18, 42.19, 42.21 *Operations specifications*. The rules of these sections separate the operations specifications from the operating certificate, specify the contents of the operations specifications, and set forth the procedures which govern amendments to them.

All of the operations specifications currently issued under Part 42 to individual operators contain certain rules which are substantially the same. Since such rules are standard in nature, it is appropriate to remove them from the operations specifications of the individual operators and incorporate them, without substantive change, in revised Part 42 as rules of general applicability. This has been done in this proposal.

7. Section 42.22 *Inspection authority*. The scope of this proposed section is sufficiently broad to permit an authorized representative of the Administrator to inspect and examine the financial books and records of an operator. Such inspection authority is considered essential to the successful administration and enforcement of this proposed part, since the intermingling of financial and operational information of a company is such that in evaluating the safety of operations the Agency must be able to enter or approach such evaluation through information which may be available in the financial records of the company. However, the authority of § 42.22 will not be used by the Agency to duplicate any audit requirements imposed by the Civil Aeronautics Board.

8. Section 42.26 *Helicopter requirements; deviations*. This section recognizes that certain of the provisions of Part 46 of this chapter (Civil Air Regulations) which govern helicopter operations are also appropriate for helicopter operations subject to this proposed part. The provisions of this proposed part from which helicopter operations are excepted and the provisions of Part 46

which apply in lieu thereof are specified in § 42.26.

9. Section 42.27 *Management personnel required*. This section requires each operator to show that it has a sufficient number of qualified management personnel employed on a full-time basis to provide the highest degree of safety in its operations.

The rule specifies the positions such persons must occupy and requires their duties, responsibilities, and authority to be set forth in the General Policy Section of each Operator's Manual. Within 10 days after making any change in the assignment of individuals to the positions specified, the operator must notify the FAA of the change.

10. Section 42.28 *Qualification requirements for management personnel*. This section establishes minimum requirements which management personnel must meet to qualify for the positions of Director of Operations, Chief Pilot, Director of Maintenance and Airworthiness, and Director of Quality Control. These requirements are considered necessary to insure that such management personnel have qualifications commensurate with the important safety duties and responsibilities of their positions.

11. Section 42.37 *Servicing and maintenance facilities*. It will be noted that this section requires an operator to show that he has competent personnel and adequate facilities and equipment for, among other things, refueling.

12. Section 42.38 *Dispatch and flight following systems*. Each operator would be required to establish an approved dispatch system, using certificated dispatchers, or an approved flight following system. The operations specifications issued to the operator will specify which of the two systems the operator is authorized to use and the location of the dispatch or flight following centers.

13. Section 42.39 *Flight following system*. To obtain authority to use a flight following system, this section would require an operator to show that he has adequate facilities and personnel to provide flight crews and the individuals designated by the operator for operational control of the aircraft with all information necessary for the initiation and safe conduct of each flight. The operator must also show that he has a means of communication to monitor each flight's progress with respect to its departure and arrival at the point of origin and destination, including intermediate stops and any diversions therefrom, and maintenance or mechanical delays encountered at such points or stops. In addition, it must be shown that persons who perform flight following functions, and those designated by the operator for operational control of the aircraft, are capable of performing their required duties.

We believe the rules proposed herein for a flight following system will enable operators subject to this proposed revision of Part 42 to maintain better operational control of their aircraft and thus conduct safer operations.

14. Sections 42.206 and 42.208 *Equipment for extended overwater operations*

and for operations over uninhabited terrain. The rules proposed in these sections are, for purposes of uniformity, the same as those contained in recently revised Part 41 of this chapter (Civil Air Regulations). They would allow operators greater latitude in determining the quantity and type of equipment to be carried than is presently allowed them under current Part 42.

15. Section 42.250 *Aircraft fuel, oil, and other fluid servicing requirements.* This section proposes standards for the approval of facilities to be used, and operating procedures to be followed, while refueling aircraft. Such standards and procedures are considered necessary in the interest of safety.

16. Section 42.265 *Flight attendant.* Presently effective Part 42 does not contain any requirements for flight attendants on passenger-carrying airplanes, although it has been an accepted practice for many years. However, rules to require flight attendants on airplanes are considered necessary in the interest of safety. The rules proposed herein to govern the number of flight attendants required on airplanes operated under this part are the same as those recently adopted in revised Part 41 of this chapter (Civil Air Regulations).

17. Section 42.267 *Assignment of emergency and evacuation functions for each crewmember.* In order to insure crew coordination and familiarity of all crewmembers with emergency functions, it is proposed to require each operator of airplanes to assign to each crewmember all necessary functions the crewmember is to perform in emergencies and in circumstances requiring emergency evacuation. Emergency functions would have to be assigned for each type of airplane used by the operator, and the operator would have to show that functions so assigned are realistic and capable of accomplishment. All such functions would be described in the operator's manual to insure adequate training of required crewmembers during the approved emergency training program.

18. Section 42.303 *Pilot airport qualification requirements.* This section proposes new airport qualification requirements for pilots in command of airplanes. These proposals are based upon consideration of the increased complexity in the operation of airplanes, and in the use of navigational aids and procedures for operating into airports.

19. Sections 42.317-42.323 *Flight time limitations for crewmembers serving on airplanes.* The flight time limitations currently contained in Part 42 for operations within the continental United States (excluding Alaska) and those currently specified in operations specifications for operations outside the continental United States and within Alaska have been incorporated into the provisions of these proposed sections without any substantive changes. The Agency is making a separate study of current flight time limitation provisions and will present proposals to amend them in a separate rule making proceeding.

20. Section 42.370 *Briefing of passengers.* This section expands the current

requirements of Part 42 to require the operator to brief orally all passengers carried on an airplane concerning smoking, use of seat belts, location of emergency exits, and the emergency evacuation procedures to be used in the event emergency evacuation of the airplane becomes necessary.

21. Section 42.396 *Fuel supply for all operations.* The provisions proposed in this section for reciprocating engine- and turbopropeller-powered airplanes are considered adequate for safe operations and more realistic than present requirements when the related dispatch rules proposed in this revision are applicable. It will be noted that, if a dispatch system is not used by an operator, the proposed rules increase the applicable fuel requirements by an additional 5 percent.

The fuel requirements proposed for turbojet airplanes are the same as those currently contained in Special Civil Air Regulation No. SR-427C.

22. Section 42.502 *Dispatch or flight release.* The rule proposed in this section requires, among other things, that there be included in the dispatch or flight release the name of the operator; make, model; and registration number of the airplane to be used; flight or trip numbers; date of flight; and the name of each flight crewmember, flight attendant, and pilot designated as pilot in command. Such information is considered essential to record properly the particular airplane and crewmembers with the flights flown.

The format of this proposed part will be subject to such changes as may be necessary for its recodification under the Agency's recodification program, recently announced in Draft Release No. 61-25 (26 F.R. 10698).

In consideration of the foregoing, it is proposed to revise Part 42 of the Civil Air Regulations to read as hereinafter set forth.

This revision is proposed under the authority of Titles III and VI, and section 1102 of the Federal Aviation Act of 1958 (72 Stat. 744-754, 775-780, and 797; 49 U.S.C. 1341-1355, 1421-1430, and 1502).

Issued in Washington, D.C., on August 16, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

Proposed revision of Part 42 of the Civil Air Regulations:

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, LARGE COMMERCIAL OPERATORS, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

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FLIGHT TIME LIMITATIONS; AIRPLANES

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Appendix A—First-Aid Kits.

APPLICABILITY AND DEFINITIONS

§ 42.1 Applicability of this part.

(a) This part prescribes the rules governing:

(1) A supplemental air carrier when engaging in supplemental air transportation;

(2) A certificated route air carrier when engaging in charter flights or other special services;

(3) A certificated route air carrier when engaging in scheduled cargo-only operations authorized under the provisions of Part 40, 41, or 46 of this chapter (Civil Air Regulations); and

(4) A commercial operator when carrying persons or property in air commerce for compensation or hire in large aircraft.

NOTE: Under circumstances where it is doubtful whether the operations are for "compensation or hire," the test to be applied is whether the carriage by air is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.

(b) The provisions of this part are also applicable to any airman or other person employed or used by an air carrier or commercial operator in the conduct of its operations subject to this part (including the operation, inspection, maintenance, and overhaul of aircraft), and any person while on board an aircraft operated by an air carrier or commercial operator under the provisions of this part.

§ 42.2 Additional rules applicable to operations subject to this part.

Unless otherwise specified in this part or the operations specifications of the operator, operations subject to the provisions of this part shall be conducted in compliance with the following additional rules:

(a) *Within the United States.* Parts 43 and 60 of this chapter (Civil Air Regulations).

(b) *Over the high seas.* Annex 2 (Rules of the Air) to the Convention on International Civil Aviation, except where any rule of this part is more restrictive and may be followed without violating the rules of Annex 2.

(c) *Within a foreign country.* The air traffic rules of the foreign government and local airport rules, except

where any rule of this part is more restrictive and may be followed without violating the rules of such foreign country.

§ 42.5 Definitions.

As used in this part, the terms found herein are defined as follows:

Accelerate-stop distance. Accelerate-stop distance is the distance required to accelerate an airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

Administrator. The Administrator is the Administrator of the Federal Aviation Agency, or any person to whom he has delegated his authority in the matter concerned.

Air carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, to engage in air transportation as defined in the Federal Aviation Act of 1958.

Aircraft dispatcher. An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

Aircraft. Aircraft means a device that is used or intended to be used for flight in the air.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including engines and propellers.

Airplane. An airplane is a power-driven fixed-wing aircraft, heavier than air, which is supported by the dynamic reaction of the air against its wings.

Airport. An airport is an area of land or water which is used, or intended for use, for the landing and takeoff of airplanes.

Alternate airport. An alternate airport is an approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, engines, or propellers.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator, or his authorized representative.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Federal Aviation Agency authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Board. Board means the Civil Aeronautics Board.

Cargo aircraft. A cargo aircraft is an aircraft which is used for the carriage of property, cargo, or mail only.

Check airman. A check airman is an airman designated by the operator and approved by a representative of the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Commercial operator. A commercial operator is a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this title. It includes a person engaging in operations (1) as a private carrier (or contract carrier) for hire, or (2) as a common carrier on an intrastate basis.

Crewmember. A crewmember is any individual assigned by an operator for the performance of duty on an aircraft in flight.

Critical engine. Critical engine means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

Critical-engine-failure speed, V_1 (transport category airplanes). The critical-engine-failure speed is the airplane speed used in the determination of the takeoff distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Dispatch or flight release. A dispatch or flight release is an authorization issued in accordance with the provisions of this part specifying the conditions for the origination or continuance of a particular flight.

Effective length of runway—(1) Takeoff. The effective length of runway for takeoff as used in the takeoff operating limitations for nontransport category airplanes is the distance from the end of the runway at which the takeoff is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the centerline of the runway.

(2) Landing. The effective length of the runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Exclusive use of aircraft. Exclusive use of an aircraft means the sole possession, control, and use of an aircraft for flight by an operator arising from either: (a) A lease or other agreement or arrangement under which the operator is to have the right to such possession, control, and use for a period of at least 6 consecutive months from the date of such lease or other agreement or ar-

rangement; or (b) ownership of the aircraft.

Extended overwater operations. An extended overwater operation is an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

FAA. FAA means the Federal Aviation Agency.

Fireproof. Fireproof material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

Fire-resistant. When applied to sheet or structural members, fire-resistant material means a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

Flame-resistant. Flame-resistant material means a material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

Flammable. Flammable fluids or gases mean those which will ignite readily or explode.

Flash-resistant. Flash-resistant material means material which will not burn violently when ignited.

Flight crewmember. A flight crewmember is a crewmember assigned to duty on an aircraft as a pilot, flight navigator, or flight engineer.

Flight engineer. A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of an aircraft.

Flight navigator. A flight navigator is an individual holding a valid flight navigator certificate issued by the Administrator and who is responsible to the pilot in command for the safe and efficient navigation of the aircraft.

Flight time. Flight time is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

IFR. IFR is the symbol used to designate instrument flight rules.

ILS. ILS is the symbol used to designate instrument landing system.

Large aircraft. A large aircraft is an aircraft of more than 12,500 pounds maximum certificated takeoff weight.

Maximum certificated takeoff weight. Maximum certificated takeoff weight is the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate or the Aircraft Flight Manual.

Minimum control speed. The minimum control speed is the minimum speed

at which an airplane can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Information is also available concerning such tables in the Offices of the Federal Aviation Agency or the United States Weather Bureau.

Obstruction clearance area—(1) Take-off. A takeoff obstruction clearance area as used in the takeoff operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the takeoff procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

(2) Landing. A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as follows: The centerline of the obstruction clearance area in plan view shall coincide with and prolong the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the centerline shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet

on each side of the centerline at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it shall extend laterally for a distance of 500 feet on each side of the centerline.

Obstruction clearance plane. An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations specifications. Operations specifications are rules of particular applicability issued by an authorized representative of the Administrator to an operator pursuant to the provisions of this part.

Operator. An operator is an air carrier or commercial operator subject to the provisions of this part.

Over-the-top. Over-the-top means the operation of an aircraft above a layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

PAR. PAR is the symbol used to designate precision approach radar.

Passenger-carrying aircraft. A passenger-carrying aircraft is an aircraft carrying any individual other than a flight crewmember or other crewmember, company employee, or an authorized government representative, or individuals accompanying shipments.

Pilot in command. The pilot in command is the pilot designated by the operator as the pilot responsible for the operation and safety of the aircraft during the times defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Point-of-no-return. Point-of-no-return means that point at which the aircraft no longer has sufficient fuel under existing conditions to return to the point of departure or any alternate for that point.

Propeller. A propeller is an external device for propelling an airplane through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the airplane.

Rating. A rating is an authorization issued with an airman certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Route. A route is the airspace on either side of a course joining those points on the surface of the earth between which an operator engages in air transportation or air commerce.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a

point at which a definite radio fix can be established.

Runway. A runway is a clearly defined area of an airport suitable for the safe landing or takeoff of aircraft.

Second in command. Second in command means a pilot other than the pilot in command who is designated by the operator to act as second in command of an aircraft.

Show. Show (or shows) means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of the operator's operating certificate and at any time thereafter upon request.

Supplemental air carrier. A supplemental air carrier is an air carrier holding economic authority from the Board which authorizes it to engage in supplemental air transportation.

Synthetic trainer. A synthetic trainer is a device, the use of which is approved to simulate certain operating conditions.

Takeoff safety speed, V_2 . The takeoff safety speed is the airplane speed used in the determination of the takeoff flight path at which the climbout following takeoff can be safely executed with one engine inoperative and with the airplane in the takeoff configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

Transport category airplane. A transport category airplane is an airplane which has been type certificated in accordance with the requirements of Part 4b of this chapter (Civil Air Regulations) or the transport category requirements of Part 4a of this chapter (Civil Air Regulations).

Type. With regard to airman qualifications, type means all aircraft of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in characteristics pertinent to the airman concerned.

VFR. VFR is the symbol used to designate visual flight rules.

V_{so} . V_{so} is the symbol used to designate the true indicated stalling speed or the minimum steady flight speed in the landing configuration.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 42.10 Certificate required.

No person shall conduct operations to which this part is applicable without, or in violation of the terms of, the operating certificate required by this section. Certificates currently in force on the effective date of this part shall be deemed to be certificates issued under this sec-

tion, but shall expire on the date specified thereon.

(a) **Air carrier operating certificate.** (1) An air carrier operating certificate issued under this part is required in order to conduct operations as an air carrier in air transportation, except that a certificated route air carrier is not eligible for or required to obtain an air carrier operating certificate issued under this part to conduct charter flights or other special services. Such an air carrier must obtain authority to conduct charter flights or other special services by appropriate amendments to its operations specifications issued to it as the holder of an air carrier operating certificate issued under Part 40, 41, or 46 of this chapter (Civil Air Regulations).

NOTE: See § 42.24 for authorization to conduct on-route and off-route charter flights and special services.

(b) **Commercial operator certificate.** A commercial operator certificate issued under this part is required in order to engage with large aircraft in the carriage of persons or property for compensation or hire in air commerce, except that the holder of an air carrier operating certificate is not eligible for or required to obtain a commercial operator certificate to engage in such carriage.

§ 42.11 Contents of certificate.

An operating certificate issued under this part contains the name of the operator, a description of the type of operations authorized, and the date on which the certificate is issued and the date on which it terminates.

§ 42.12 Application for original certification and renewal of certificates.

(a) An application for the original issuance or renewal of an operating certificate required by this part is made on an FAA application form which may be obtained at any FAA Air Carrier District Office and is submitted at least 60 days prior to the date of intended operations or to the expiration date of the certificate in the case of an application for renewal to the FAA Air Carrier District Office in whose area the applicant proposes to establish his principal base of operations or has established such base of operations.

(b) The applicant shall also submit with the application a signed statement showing:

(1) If the applicant is a corporation:

- (i) The names and addresses of all stockholders, and the amount of stock held by each; and
- (ii) The names and addresses of all directors and officers; or

(2) If the applicant is not a corporation:

- (i) The names and addresses of all persons having a financial interest therein and the nature and extent of such interest; and
- (ii) The names and addresses of all persons who have charge of the management and control of such applicant.

(c) If there is any change in the names or addresses of the persons shown under the provisions of paragraph (b) of this section, subsequent to the filing of the application, an amended applica-

tion showing the change shall be submitted within 10 days of the change. The amended application shall be sent to the FAA Air Carrier District Office for the area in which the operator's principal operations base is located.

(d) An applicant for the original issuance or renewal of a commercial operator certificate shall submit with the application:

(1) A signed statement showing the nature and scope of its intended operation, including the name of each person with whom the applicant has a contract to provide services as a commercial operator and the date and duration of each such contract.

(2) A signed statement showing assets and liabilities as of a date not exceeding 30 days prior to the date of the application and showing profit and loss for a fiscal year ending at a date not more than 30 days prior to the date of the application, with separation of items relating to applicant's commercial operator activities from other business activities of the applicant; an itemization of liabilities showing amount, names and addresses of creditors, description of nature of indebtedness, and date of incurrence of obligations; an itemization of outstanding judgments showing amounts, name and address of creditor, and description of nature of the claim; and such further financial information as may be required by the Administrator to enable him to determine that the applicant has sufficient financial resources to conduct its operations with the degree of safety required in the public interest.

§ 42.13 Issuance of operating certificate.

(a) An air carrier operating certificate or commercial operator certificate is issued to an applicant who is a citizen of the United States, if the Administrator after investigation finds that the applicant:

(1) Has such economic authority as the Board may require, and

(2) Is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and the operations specifications provided for in this part.

(b) The Administrator may deny an application for an air carrier or commercial operator certificate if he finds:

(1) That an air carrier or commercial operator certificate previously issued to the applicant has been revoked; or

(2) That a person who has occupied a management position with, or exercised control with respect to, any other operator whose air carrier or commercial operator certificate has been revoked:

(i) Will be employed in a management position as specified in § 42.27, or

(ii) Will be in control of or have substantial ownership interest in the applicant's operation.

§ 42.14 Amendment of operating certificate.

(a) An operating certificate may be amended by the Administrator in accordance with section 609 of the Federal Aviation Act of 1958, and the applicable procedures of Part 408 of the Regulations

of the Administrator whenever he determines that safety in air commerce or air transportation and the public interest so require.

(b) Upon application by an operator, an authorized representative of the Administrator may amend an operating certificate if he determines that safety in air commerce or air transportation and the public interest permit such an amendment. Within 30 days after the refusal of an authorized representative of the Administrator to approve an operator's application for amendment, the operator may petition the Administrator for a review of such refusal.

(c) Applications for amendments to operating certificates shall be submitted to the local FAA Air Carrier District Office charged with the overall inspection of the operator at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

§ 42.15 Display of certificate and operations specifications.

The operating certificate and operations specifications shall be available at the principal operations office of the operator for inspection by any authorized representative of the Administrator.

§ 42.16 Duration of certificate.

(a) An operating certificate issued under this part shall remain in effect for a period of one year, unless sooner surrendered, revoked, or otherwise terminated by order of the Administrator, but shall also terminate upon the termination of any economic authorization required by the Board. Upon suspension, revocation, or other termination, it shall be returned to the Administrator.

(b) An operating certificate issued under this part may be suspended or revoked by the Administrator for any cause which, at the time of suspension or revocation, would have been grounds for denying the holder of such certificate an application for a like certificate.

§ 42.18 Operations specifications required.

(a) On and after the effective date of this revision, all operations specifications issued pursuant to the provisions of this Part 42 prior to such date of revision, shall cease to be a part of an air carrier operating certificate or a commercial operator certificate.

(b) No person shall conduct operations subject to this part without, or in violation of, currently effective operations specifications issued under this part. Operations specifications in force on the effective date of this revision shall be deemed to be currently effective operations specifications issued under this part. Operations specifications shall terminate upon the expiration of the operating certificate issued to the operator, unless such certificate is renewed in accordance with the provisions of this part.

NOTE: Forms for initial applications for operations specifications are furnished upon request to an FAA Air Carrier District Office.

§ 42.19 Contents of operations specifications.

The operations specifications contain the following:

- (a) Types of operations authorized;
- (b) Types and registration numbers of airplanes authorized for use;
- (c) En route authorizations and limitations, including areas of operations;
- (d) Airport authorizations and limitations;
- (e) Time limitation for overhauls, inspections, and checks of airframes, engines, propellers, and appliances, or standards by which such time limitations shall be determined;
- (f) Procedures used to maintain control of weight and balance of aircraft;
- (g) Interline equipment interchange requirements, if pertinent; and
- (h) Such additional items as the Administrator determines are necessary to cover a particular situation.

§ 42.20 Utilization of operations specifications.

The operator shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the operator as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the operator in such a manner that they do not lose their identity in any respect.

§ 42.21 Amendment of operations specifications.

The following procedures apply to the amendment of operations specifications issued to an operator under the provisions of this part:

(a) Upon application by the operator an authorized representative of the Administrator may amend an operations specification if he determines that safety in air commerce or air transportation and the public interest permits such an amendment;

(b) An authorized representative of the Administrator may amend an operations specification if he determines that safety in air commerce or air transportation and the public interest requires such an amendment;

(c) Except in the case of an emergency requiring immediate action with respect to safety in air commerce or air transportation, or upon consent of the operator concerned, an amendment shall not become effective prior to 30 days from the date that the operator has been notified of such amendment;

(d) Within 30 days after a notice of amendment or refusal to approve an operator's application for amendment, the operator may petition the Administrator to reconsider the amendment or refusal to amend. Except in the case of an emergency amendment, the filing of a petition for reconsideration shall stay the effectiveness of an amendment pending a decision by the Administrator;

(e) Applications for amendments of operations specifications shall be submitted to the local FAA Air Carrier Dis-

trict Office charged with the overall inspection of the operator's operations at least 15 days prior to the proposed effective dates of such amendments, unless an authorized representative of such office approves a shorter filing period.

§ 42.22 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations (including inspections and examinations of financial books and records) to determine an operator's compliance with the requirements of the Federal Aviation Act of 1958, as amended, the Civil Air Regulations, the provisions of the operator's operating certificate, and the operations specifications, or the operator's eligibility to continue to hold a certificate. Such authority shall not be exercised to duplicate any audit requirements imposed on an operator by the Civil Aeronautics Board.

§ 42.23 Operations and maintenance base and office.

Each operator shall, 30 days in advance of a change in the address of its principal business office, its principal operations base, or its principal maintenance base, give written notice thereof to the FAA Air Carrier District Office charged with overall inspection of the operator's operations.

§ 42.24 Charter trips or other special service operations by certificated route air carriers.

(a) *On-route operations.* A certificated route air carrier holding an operating certificate and operations specifications issued pursuant to Part 40, 41, or 46 of this chapter (Civil Air Regulations) may elect to conduct charter flights or other special services over routes and into airports listed in such operations specifications under the provisions of either this part or the applicable provisions of Part 40, 41, or 46.

(b) *Off-route operations.* A certificated route air carrier holding an operating certificate and operations specifications issued pursuant to Part 40, 41, or 46 of this chapter (Civil Air Regulations) shall conduct under the provisions of this part any charter flights or other special services which involve in whole or in part off-route operations.

(c) *Special requirements.* If a scheduled air carrier conducts any charter flights or other special services under the authority of paragraphs (a) and (b) of this section, its operations specifications issued pursuant to Part 40, 41, or 46 shall be appropriately amended.

§ 42.25 Deviation authority.

(a) Contrary provisions of this part notwithstanding, the Administrator may, upon application by an operator, authorize deviations from the provisions of this part by an appropriate amendment to the operations specifications of the operator for the following:

(1) Operations conducted pursuant to a contract with the military services (primary contractor), or operations conducted for the military services pursuant to a subcontract with a primary con-

tractor if the Department of Defense certifies to the Administrator that the operation is essential to the national defense and requires the requested deviation, and the Administrator finds that the deviation is not based upon an economic advantage or convenience to either the operator or the government, or both; and

(2) Operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, if an authorized representative of the Administrator finds that such a deviation is necessary for the expeditious conduct of such operations.

(b) An operator authorized deviations under this section shall, in the conduct of operations pursuant thereto, comply with the terms, conditions, and limitations of the authorization issued. Grants of deviation authority issued pursuant to this section may be terminated at any time by the Administrator.

§ 42.26 Helicopter requirements; deviations.

(a) Persons subject to this part when conducting operations with helicopters shall comply with the provisions of this part, except those applicable to airplanes only. In lieu of those provisions applicable to airplanes only, an operator of helicopters shall comply with the following provisions of Part 46 of this chapter (Civil Air Regulations): §§ 46.70, 46.71, 46.110, 46.153, 46.170-46.178, 46.200, 46.206, 46.230, 46.231, 46.265, 46.280-46.289, 46.300-46.302, 46.381-46.412, and 46.500-46.511.

(b) An authorized representative of the Administrator may authorize a deviation from any specific requirement for helicopter operations subject to this part, if he finds that such deviation provides a substantially equivalent standard of safety.

NOTE: Deviations under this section will be authorized by the FAA Air Carrier Inspector responsible for the approval of the operator's certificate and will be specified in the operations specifications of the operator.

§ 42.27 Management personnel required.

(a) The operator shall show that it has a sufficient number of qualified management personnel to provide the highest degree of safety in its operations. Such personnel shall be employed on a full-time basis in the following positions or their equivalent:

- (1) General Manager;
- (2) Director of Operations, except that a person serving as General Manager may also serve as Director of Operations if qualified;
- (3) Director of Maintenance and Airworthiness;
- (4) Chief Pilot; and
- (5) Director of Quality Control.

(b) Upon application by the operator, the Administrator may approve different positions or numbers of positions for a particular operation than those specified in paragraph (a) of this section. Such approval may be granted if the operator shows that due to the type of operation involved, number and type of aircraft used, and area of operations, it is capable of performing the operation with the highest degree of safety, under

the direction of fewer or different categories of management personnel.

NOTE: When such approval is given to an operator, the title and number of positions approved are specified in the operations specifications of the operator.

(c) The duties, responsibilities, and authority of such personnel shall be set forth in the General Policy Section of the Operator's Manual. The operator shall also list in the manual the names and addresses of the individuals assigned to these positions. Within at least 10 days, the operator shall notify the FAA Air Carrier District Office charged with overall inspection of the operator of any change made in the assignment of individuals to these positions.

§ 42.28 Qualification requirements for management personnel.

(a) *Director of Operations.* The Director of Operations shall:

(1) Hold or have held an Airline Transport Pilot Certificate;

(2) Have had a minimum of 3 years of experience as pilot in command of large aircraft with an air carrier or commercial operator; and

(3) Be familiar with the operations manual and the Civil Air Regulations to the extent necessary to carry out his duties.

(b) *Chief Pilot.* The chief pilot shall:

(1) Hold a current Airline Transport Certificate with appropriate ratings for the type of aircraft used;

(2) Have had a minimum of 3 years experience as a pilot in command of a large aircraft with an air carrier or commercial operator; and

(3) Be thoroughly familiar with the operator's manual, operation specifications, and the provisions of this part.

(c) *Director of Maintenance and Airworthiness.* The Director of Maintenance and Airworthiness shall:

(1) Hold a mechanic certificate with either an airframe or powerplant rating, and have a minimum of 5 years of experience in the maintenance of large aircraft, one year of which shall have been in a supervisory capacity; and

(2) Be thoroughly familiar with the maintenance portions of the operator's manual and the applicable maintenance provisions of this chapter (Civil Air Regulations).

(d) *Director of Quality Control.* The Director of Quality Control shall:

(1) Hold a mechanic certificate with both airframe and powerplant ratings, and have held these ratings for at least 3 years;

(2) Have a minimum of 3 years of diversified maintenance experience on large aircraft with an air carrier, commercial operator, or certificated repair station, one year of which shall have been as a maintenance inspector; and

(3) Be thoroughly familiar with the maintenance portions of the operator's manual, and the applicable maintenance provisions of this chapter (Civil Air Regulations).

§ 42.29 Operation of small aircraft under Part 47 of this chapter.

Upon application by an air carrier conducting operations subject to this part, if

an authorized representative of the Administrator finds that safety in air transportation and the public interest permits, he may issue to the air carrier operations specifications authorizing such operations to be conducted with small aircraft under Part 47 of this chapter and containing such operating limitations and requirements as he determines are necessary.

REQUIREMENTS FOR APPROVAL OF AREAS AND ROUTES

§ 42.30 General area and route requirements.

(a) *Areas.* The operator shall show that it is competent to conduct operations within the United States in accordance with the route requirements specified in paragraph (b) of this section, and in addition shall show that it is competent to conduct operations in accordance with the applicable requirements for each area outside the United States for which authorization is requested.

(b) *Routes.* The operator shall show that it is equipped and competent to conduct operations over, and use the air navigation facilities associated with, Federal airways, foreign airways, or Advisory routes (ADR) to be used. In addition, for routes outside of controlled airspace, the operator shall show that traffic density does not constitute a hazard. Actual flight over a route or route segment will be required, unless the operator shows that such flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communications, navigation, fueling, ground and aircraft radio facilities, and the competence of the personnel to be used in the proposed operations.

§ 42.31 Width of routes.

Routes approved for operations over U.S. Federal airways, foreign airways, or advisory routes (ADR's) shall have a width equal to the designated width of such airways or advisory routes. In case of other approved routes, when an authorized representative of the Administrator determines it necessary he shall establish route widths taking into consideration terrain clearance, minimum en route altitudes, available ground and airborne navigational aids, air traffic density, and air traffic control procedures. In such instances, the route widths shall be specified in the operator's operations specifications.

§ 42.33 Airports.

The operator shall use only airports which are properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, lighting, navigation and communication aids, and air traffic control.

§ 42.35 Weather reporting facilities.

Weather reports used to control flight movements shall be those prepared and released by the U.S. Weather Bureau, or by a source approved by the Weather Bureau. For those operations outside

the U.S. or at U.S. military airports for which such reports are not available, the weather reports may be those prepared by a source found by the Administrator to be satisfactory. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 42.36 En route navigational facilities.

Operations shall not be conducted over a route unless nonvisual ground aids to air navigation are available and in operation along the route, are so located as to permit navigation to any airport of destination or alternate airport within the degree of accuracy necessary for the operation involved, and are available for the navigation of aircraft within the degree of accuracy required for air traffic control: *Provided*, That nonvisual ground aids to navigation are not required for (a) day VFR operations where the characteristics of the terrain are such that navigation can be conducted by pilotage, (b) night VFR operations on lighted airways or on other routes the Administrator has determined have reliable landmarks which are adequate for safe operations, or (c) operations on segments of routes where the use of celestial or other specialized means of navigation is approved.

§ 42.37 Servicing and maintenance facilities.

The operator shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available for the proper servicing, refueling, maintenance, repair, and inspection of aircraft and auxiliary equipment.

§ 42.38 Dispatch and flight following systems.

(a) *General.* The operator shall show that it has at such points within the areas in which it proposes to conduct operations either an approved dispatch system or an approved flight following system, established in accordance with the provisions of this part, which is adequate for the operations to be conducted. An operator may arrange for dispatch and flight following facilities to be provided by persons other than employees of the operator. However, in such case, the operator shall continue to have primary responsibility for operational control of each flight.

(b) *Locations.* (1) If the operator elects to use a dispatch system, it shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

(2) If the operator elects to use a flight following system, it shall show that it has a sufficient number of flight following centers adequate for the operations to be conducted and located at such points as are necessary to insure monitoring the progress of each flight and providing the pilot with all information necessary for the safety of the flight.

NOTE: The operations specifications issued to the operator will specify which of the

two systems the operator is authorized to use and the location of the centers.

§ 42.39 Flight following system.

(a) An operator using a flight following system shall show that the system:

(1) Has adequate facilities and personnel to provide the flight crews of the aircraft and the individuals designated by the operator for the operational control of the aircraft with all information necessary for the initiation and safe conduct of each flight;

(2) Has a means of communication to monitor the progress of each flight with respect to its departure and arrival at the point of origin and destination, including intermediate stops and any diversions therefrom, and maintenance or mechanical delays encountered at such points or stops.

(b) The operator shall show that the personnel specified in paragraph (a) of this section, and those designated by the operator for the operational control of the aircraft, are capable of performing their required duties.

MANUAL REQUIREMENTS

§ 42.50 Preparation of Operations Manual.

The operator shall prepare and keep current a manual for the use and guidance of flight, ground operations, and management personnel in the conduct of its operations.

§ 42.51 Contents of Operations Manual.

(a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, foreign regulations where applicable, operations specifications, or the operating certificate. The manual may be in two or more separate parts, encompassing together all of the information listed below (e.g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain that portion of the information listed below as is appropriate for each group of personnel:

(1) General policies;

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization and management personnel;

(3) Reference to appropriate regulations prescribed by the Federal Aviation Agency;

(4) Flight dispatching and control, including procedures for coordinated dispatch, or flight following procedures;

(5) En route flight, navigational, and communication procedures, including procedures for the dispatch, or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, in-

cluding the types of aircraft authorized, their crew complement, the type of operation (i.e., VFR, IFR, day, night) and other pertinent information;

(7) Appropriate information from an airport operations specification covering instrument approach procedures, landing and takeoff minimums, and other pertinent information for any airport to be used;

(8) Takeoff, en route, and landing weight limitations; or approved means of readily determining these limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) The method of designating succession of command of flight crewmembers;

(12) Procedures for determining the usability of landing and takeoff areas and for dissemination of pertinent information to operations personnel;

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(14) Airman training programs, including appropriate ground, flight, and emergency phases;

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(16) Time limitations for overhaul, inspection, and checks of airframes, engines, propellers, rotors, and appliances, or standards by which such time limitations shall be determined;

(17) Procedures for refueling aircraft, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(19) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits;

(20) Pilot, and when appropriate, dispatcher route and airport qualification procedures;

(21) Accident notification procedures; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the operator.

§ 42.52 Distribution of Operations Manual.

(a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto, shall be furnished by the operator to the following:

(1) Appropriate ground operations and maintenance personnel of the operator;

(2) Crewmembers; and

(3) Authorized representatives of the Administrator assigned to the operator.

(b) Appropriate portions of the manual shall be carried aboard each aircraft at all times when away from the principal base and be available for use of ground or flight personnel.

(c) All copies of the manual shall be kept up to date.

§ 42.53 Aircraft Flight Manual.

(a) The operator shall keep current an approved Aircraft Flight Manual for each type of aircraft he operates.

(b) An approved Aircraft Flight Manual or a manual complying with § 42.50 and containing information required for the Aircraft Flight Manual shall be carried in each aircraft. When sections of the required information from the Aircraft Flight Manual are incorporated in the Operations Manual, they shall be clearly identified as Aircraft Flight Manual requirements.

AIRCRAFT REQUIREMENTS

§ 42.60 Aircraft requirements.

(a) *General.* Aircraft shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of this chapter (Civil Air Regulations). No operator shall use any aircraft in operations governed by this part unless such aircraft meets the requirements of this part, is in an airworthy condition, is registered as a civil aircraft of the United States, and carries an appropriate and currently effective certificate of airworthiness issued by the Administrator. In determining compliance with the applicable airworthiness requirements and operating limitations, an approved weight and balance control system based upon average, assumed, or estimated weights may be utilized.

(b) *Exclusive use of aircraft.* An operator shall not use any aircraft in operations subject to this part unless:

(1) The operator has the exclusive use of such aircraft;

(2) The aircraft is listed in the operations specifications of the operator; and

(3) The aircraft is not listed in the operations specifications of any other air carrier or commercial operator.

(c) *Notice required.* Within 10 days from the date that an operator does not have the exclusive use of an aircraft listed in its operations specifications, it shall notify the FAA Air Carrier Inspector assigned to its operations, and request an appropriate amendment deleting the aircraft from its operations specifications.

NOTE: The operator may not operate an aircraft if it does not have exclusive use thereof. However, if the operator does not have the exclusive use of any aircraft, it no longer meets the requirements of this part, and the Administrator may, in appropriate cases, take action to suspend or revoke the operator's certificate.

§ 42.61 Aircraft certification requirements.

(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 42.90, or

(2) Comply with either the performance requirements of §§ 4a.737-T through 4a.750-T of Part 4a of this chapter (Civil Air Regulations) or the per-

formance requirements of §§ 4b.110 through 4b.125 of Part 4b of this chapter (Civil Air Regulations) and in addition shall meet the requirements of § 42.70: *Provided*, That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, shall be certificated as transport category airplanes and shall meet the requirements of § 42.70.

(c) *Helicopters.* Helicopters shall be certificated and equipped in accordance with the requirements of §§ 46.60 through 46.231 of Part 46 of this chapter (Civil Air Regulations).

§ 42.62 Airplane limitation for type of route.

All airplanes used shall be multiengine airplanes and shall comply with the following requirements:

(a) *Two- or three-engine airplanes.* Two- or three-engine airplanes shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the airplanes will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided*, That an authorized representative of the Administrator may specify distances greater or less than those set forth herein when the character of the terrain, the type of operation, or the performance of the airplanes to be used so permits or requires.

(b) *Land airplanes on extended overwater routes.* Land airplanes operated on flights involving extended overwater operations shall be certificated or approved as adequate for ditching in accordance with the ditching provisions of Part 4b of this chapter (Civil Air Regulations): *Provided*, That the DC-3, C-46, and Convair 340/440 type airplanes need not be so certificated or approved.

§ 42.63 Proving tests.

(a) A type of aircraft not previously approved for use by an air carrier or commercial operator shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total, at least 50 hours shall be flown in en route operation and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved for use by an air carrier or commercial operator, or in the case of helicopters has been used extensively in military service, shall be tested for at least 50 hours, of which at least 25 hours shall be flown in en route operation, unless deviations are specifically authorized by an authorized representative of the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used by an operator who has not previously proved such a type.

NOTE: A type of aircraft will be considered to be materially altered in design when the alterations include, but are not limited to: (a) installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) a major alteration to the aircraft or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the tests and those designated by an authorized representative of the Administrator shall be carried. Express and other cargo may be carried when approved.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; TRANSPORT CATEGORY

§ 42.70 Transport category airplane operating limitations.

(a) In operating any transport category airplane not subject to paragraph (b) of this section, the provisions of this paragraph and §§ 42.71 through 42.78 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

NOTE: Deviations authorized will be specified in operations specifications of the operator.

(1) The performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(2) The airplane shall not be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules of this part, after taking into account the temperature operating correction factors required by § 4a.749a-T or 4b.117 of this chapter (Civil Air Regulations), and set forth in the Airplane Flight Manual for the airplane.

(b) In operating any turbine-powered transport category airplane certificated in accordance with the performance requirements of Special Civil Air Regulations No. SR-422, SR-422A, or SR-422B, the operating rules specified in the applicable Special Civil Air Regulation shall be complied with in lieu of §§ 42.71 through 42.78.

§ 42.71 Weight limitations.

(a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum takeoff weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at takeoff shall not exceed the authorized maximum takeoff weight for the elevation of the airport from which the takeoff is to be made.

(c) The weight at takeoff shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 42.72 Takeoff limitations to provide for engine failure.

No airplane shall be taken off except under conditions which will permit compliance with the takeoff requirements of paragraphs (a) through (c) of this section.

(a) It shall be possible, from any point in the takeoff up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the takeoff and attain a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the takeoff path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the takeoff surface. To allow for wind effect, takeoff data based on still air may be corrected by not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff and shall be corrected by not less than 150 percent of the reported wind component if in the direction of takeoff.

§ 42.73 En route limitations; all engines operating.

No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least $6 V_{SO}$ (when V_{SO} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this chapter (Civil Air Regulations) are not required to comply with this section. For the purpose of this section, it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 42.74 En route limitations; one engine inoperative.

(a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $\left(0.06 - \frac{0.08}{N}\right) V_{SO}^2$

(when N is the number of engines installed and V_{SO} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this chapter (Civil Air Regulations), the rate of climb shall be $0.02 V_{SO}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an operator may utilize an approved procedure whereby its airplanes are operated at an all-engines-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 42.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to $\left(0.06 - \frac{0.08}{N}\right) V_{SO}^2$ (when N is the number of engines installed and V_{SO} is expressed in miles per hour) for airplanes certificated under Part 4b of this chapter (Civil Air Regulations) and by $0.02 V_{SO}^2$ for airplanes certificated under Part 4a of this chapter (Civil Air Regulations).

(2) The all-engines-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the takeoff weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided*, That a procedure established on a different basis will be approved if the operator shows that adequate operational safeguards exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure, fuel jettisoning will be approved if the operator shows that it has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch or flight release and shall meet the provisions of § 42.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 42.75 En route limitations; two engines inoperative.

The provisions of this section shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this chapter (Civil Air Regulations). No airplane having four or more engines shall be flown along an intended track except under the conditions of either paragraph (a) or (b) of this section.

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 42.78, assuming all engines to be operating at cruising power.

(b) The takeoff weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to $0.01 V_{SO}^2$ (V_{SO} , being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the takeoff weight. In showing compliance with this prescribed rate of climb, subparagraphs (1) through (3) of this paragraph shall apply:

(1) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(2) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if, at the end of the descent and during the subsequent portion of the flight, the prescribed rate of climb is met at the prescribed minimum altitudes. The descent shall be assumed to be along a net flight path and the rate of descent for the appropriate weight and altitude shall be assumed to be $0.01 V_{SO}^2$, greater than indicated by the performance information approved by the Administrator.

(3) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a

landing can be made in accordance with the requirements of § 42.78 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 42.76 Special en route limitations.

The 10-mile lateral distance specified in §§ 42.73 through 42.75 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 42.77 Landing distance limitations; airport of destination.

No airplane shall be taken off at a weight in excess of that which, under the conditions stated in this part, would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section, it shall be assumed that the takeoff weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the airplane is landed on the runway with the greatest effective length in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e.g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the airplane may be taken off if an alternate airport is designated which permits compliance with § 42.78.

§ 42.78 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch or flight release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 42.77: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

AIRPLANE PERFORMANCE OPERATING LIMITATIONS; NONTRANSPORT CATEGORY

§ 42.90 Nontransport category airplane operating limitations.

In operating any nontransport category airplane, the provisions of § 42.91 shall be complied with: *Provided*, That an authorized representative of the Administrator may authorize deviations from such provisions when the special circumstances of a particular case make

a literal observance of the requirements unnecessary for safety. Approved performance data only shall be used in determining compliance with the provisions of §§ 42.91 through 42.94.

NOTE: Deviations authorized will be specified in operations specifications of the operator.

§ 42.91 Takeoff limitations.

No takeoff shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the takeoff up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the takeoff configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that takeoff power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the takeoff path if opposite to the direction of takeoff, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the takeoff;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than $\frac{1}{2}$ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length; and

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 42.92 En route limitations; one engine inoperative.

(a) No takeoff shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an operator may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the operator shows that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the approved performance data. Before approving such a procedure, the authorized representative of the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors

which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wind flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 42.93 Landing distance limitations; airport of intended destination.

No takeoff shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air; and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{SO} ;

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot; and

(3) The airplane is operating in the standard atmosphere.

§ 42.94 Landing distance limitations; alternate airports.

No airport shall be designated as an alternate airport in a dispatch or flight release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 42.93: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 42.110 Special airworthiness requirements.

All airplanes powered by engines rated at more than 600 horsepower each for maximum continuous operation and which have not been certificated in accordance with the provisions of Part 4b of this chapter (Civil Air Regulations) in effect on or after November 1, 1946, shall comply with the requirements contained in §§ 42.111 through 42.154: *Pro-*

vided. That, if the representative of the Administrator finds that in particular models of existing airplanes used in cargo service, literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of the regulations of this part.

§ 42.111 Susceptibility of materials to fire.

The Administrator shall prescribe the heat conditions and testing procedures which any specific material or individual part must meet where necessary for the purpose of applying the following defined terms: fireproof, fire-resistant, flame-resistant, flash-resistant, and flammable.

§ 42.112 Cabin interiors.

All compartments occupied or used by the crew or passengers shall comply with paragraph (a) through (d) of this section.

(a) Material shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstery, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 42.113 Internal doors.

Where internal doors are equipped with louvers or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 42.114 Ventilation.

All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvers or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvers or other means when such action is found necessary.

§ 42.115 Fire precautions.

Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all of the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the

compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fire according to the following classifications:

(a) *Class A.* Cargo and baggage compartments shall be classified in the "A" category if presence of a possible fire therein can be readily discernible to a member of the crew while at this station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) *Class B.* Cargo and baggage compartments shall be classified in the "B" category if sufficient access is provided while in flight to enable a member of the crew to reach effectively all parts of the compartment and its contents with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) *Class C.* Cargo and baggage compartments shall be classified in either the "C", "D", or "E" category, if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment to the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(d) *Class D.* Cargo and baggage compartments shall be classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without en-

dangering the safety of the airplane or the occupants. Compliance shall be shown with subparagraphs (1) through (4) of this paragraph.

(1) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(2) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(3) The compartment shall be completely lined with fire-resistant material.

(4) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(e) *Class E.* On airplanes used for the carriage of cargo only it shall be acceptable to classify the cabin area as a Class "E" compartment. Compliance shall be shown with subparagraphs (1) through (5) of this paragraph.

(1) The compartment shall be completely lined with fire-resistant material.

(2) The compartment shall be equipped with a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) Means shall be provided to shut off the ventilating airflow to or within the compartment. Controls for such means shall be accessible to the flight crew in the crew compartment.

(4) Means shall be provided to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits shall remain accessible under all cargo loading conditions.

§ 42.116 Proof of compliance.

Compliance with those provisions of § 42.115 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 42.117 Propeller deicing fluid.

If combustible fluid is used for propeller deicing, the provisions of § 42.131 shall be complied with.

§ 42.118 Pressure cross-feed arrangements.

Pressure cross-feed lines shall not pass through portions of the airplane devoted

to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel- and fume-proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 42.119 Location of fuel tanks.

Location of fuel tanks shall comply with the provisions of § 42.132. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 42.120 Fuel system lines and fittings.

Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 42.121 Fuel lines and fittings in designated fire zones.

Fuel lines and fittings in all designated fire zones (see § 42.131) shall comply with the provisions of § 42.134.

§ 42.122 Fuel valves.

In addition to the requirements contained in § 42.133 for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 42.123 Oil lines and fittings in designated fire zones.

Oil lines and fittings in all designated fire zones (see § 42.131) shall comply with the provisions of § 42.134.

§ 42.124 Oil valves.

Requirements of § 42.133 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions

in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 42.125 Oil system drains.

Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate either a manual or automatic means for positive locking in the closed position. (See also § 42.135.)

§ 42.126 Engine breather line.

Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 42.135.)

§ 42.127 Firewalls.

All engines, auxiliary power units, fuelburning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of firewalls or shrouds, or other equivalent means.

§ 42.128 Firewall construction.

Firewalls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the firewall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or firewall fittings. Firewalls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

- (a) Heat and corrosion resistant steel 0.015 inch thick;
- (b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 42.129 Cowling.

Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistant material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 42.130 Engine accessory section diaphragm.

Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled

engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 42.128.

§ 42.131 Powerplant fire protections.

Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 42.132 through 42.135.

§ 42.132 Flammable fluids.

No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than one-half inch of clear airspace shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 42.133 Shutoff means.

Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, deicer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 42.132), and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 42.134 Lines and fittings.

All lines and fittings for same located in designated fire zones which carry flammable fluids or gases and which are under pressure, or which attach directly to the engine, or are subject to relative motion between components, exclusive of those lines and fittings forming an integral part of the engine, shall be flexible, fire-resistant lines with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends. Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

§ 42.135 Vent and drain lines.

All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of

§ 42.134, if an authorized representative of the Administrator finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 42.136 Fire-extinguishing systems.

(a) Unless the operator shows that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 42.137 Fire-extinguishing agents.

Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguisher system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing satisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 42.138 Extinguishing agent container pressure relief.

Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 42.139 Extinguishing agent container compartment temperature.

Precautions shall be taken to insure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguishing system.

§ 42.140 Fire-extinguishing system materials.

All components of fire-extinguishing systems located in designated fire zones shall be constructed of fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 42.141 Fire-detector systems.

Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to insure the detection of fire which may occur in such zones.

§ 42.142 Fire detectors.

Fire detectors shall be constructed and installed in such a manner as to insure their ability to resist without failure all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 42.143 Protection of other airplane components against fire.

All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle centerline shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 42.150 Control of engine rotation.

All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for completely stopping the rotation need be provided only if an authorized representative of the Administrator finds that rotation could jeopardize the safety of the airplane.

§ 42.151 Fuel system independence.

Airplane fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the operator shows that the fuel system incorporates features which provide equivalent safety.

§ 42.152 Induction system ice prevention.

Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all airplanes.

§ 42.153 Carriage of cargo in passenger compartments.

Cargo shall not be carried in the passenger compartment of an airplane except as provided in either paragraph (a) or (b) of this section.

(a) Cargo carried aft of the foremost seated passengers shall be carried in an approved cargo bin. Approved cargo bins shall meet the minimum requirements of subparagraphs (1) through (8) of this paragraph.

(1) The bin shall be capable of withstanding the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by a factor of

1.15. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(2) The maximum weight of cargo which the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin shall be conspicuously marked on the bin.

(3) The bin shall not impose any load on the floor or other structure of the airplane which exceeds the structural load limitations of such components.

(4) The bin shall be attached to the seat tracks or to the floor structure of the airplane, and its attachments shall withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater. The combined weight of the bin and the maximum weight of cargo which may be carried in the bin shall be used to determine this strength.

(5) The bin shall not be installed in a position which restricts access to or use of any required emergency exit, or the use of the aisle in the passenger compartment.

(6) The bin shall be fully enclosed and constructed of material which is at least flame resistant.

(7) Suitable safeguards shall be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin shall not be installed in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

(b) Cargo carried forward of the foremost seated passengers shall be carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the requirements of subparagraphs (1) through (5) of this paragraph.

(1) It shall be properly secured by means of safety belts or other tie-downs having sufficient strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(3) It shall not impose any load on seats or the floor structure which exceeds the structural load limitation for those components.

(4) It shall not be located in a position which restricts the access to or use of any required emergency or regular exit, or the use of the aisle in the passenger compartment.

(5) It shall not be located in a position which obscures any passenger's view of the "seat belt" or "no smoking" sign, nor shall any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of such passenger is provided.

§ 42.154 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments which are so designed as to require the physical entry of a crewmember to extinguish any fire which may occur during flight, the cargo shall be so loaded as to permit a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 42.170 Airplane instruments and equipment for all operations.

(a) Instruments and equipment required by §§ 42.171 through 42.233 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) All airspeed indicators shall be calibrated in knots, and all airspeed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

(c) The following instruments and equipment shall be in operable condition prior to takeoff, except as provided in § 42.391(b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by the provisions of § 42.110 and §§ 42.150 through 42.154; and

(2) Instruments and equipment specified in §§ 42.171 through 42.179 for all operations, and the instruments and equipment specified in §§ 42.200 through 42.233 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

NOTE: Instruments and equipment specified in §§ 42.171, 42.172, and 42.230 through 42.233 are approved in accordance with one or more of the following:

(a) As a part of the original airplane type design;

(b) Under applicable Technical Standard Orders and installed under original airplane type certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)); or

(c) Under an FAA type certificate and installed under original aircraft certification, or subsequent installation in accordance with airworthiness and alteration requirements (Parts 1 and 18 of this chapter (Civil Air Regulations)).

§ 42.171 Flight and navigational equipment for all airplane operations.

The following flight and navigational instruments and equipment are required for all airplane operations:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunction due to icing;

(b) Sensitive altimeter;

(c) Clock (sweep-second);

(d) Free-air temperature indicator;

(e) Gyroscopic bank-and-pitch indicator (artificial horizon);

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn-and-bank indicator);

(g) Gyroscopic direction indicator (directional gyro or equivalent);

(h) Magnetic compass; and

(i) Vertical speed indicator (rate-of-climb indicator).

§ 42.172 Engine instruments for all airplane operations.

The following engine instruments are required for all operations, except that an authorized representative of the Administrator may permit or require different instrumentation for turbine-powered airplanes to provide equivalent safety:

(a) Carburetor air temperature indicator for each engine;

(b) Cylinder head temperature indicator for each air-cooled engine;

(c) Fuel pressure indicator for each engine;

(d) Fuel flowmeter or fuel mixture indicator for each engine;

(e) Means for indicating fuel quantity in each fuel tank to be used;

(f) Manifold pressure indicator for each engine;

(g) Oil pressure indicator for each engine;

(h) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used;

(i) Oil-in temperature indicator for each engine;

(j) Tachometer for each engine;

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device; and

(l) A means shall be provided for each reversible propeller on airplanes equipped with reversible propellers which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

§ 42.173 Emergency equipment for all airplane operations.

(a) *General.* The emergency equipment specified in this section is required for all operations and shall be inspected regularly in accordance with inspection periods established in the operations specifications to insure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. All required equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be marked as to contents and date of last inspection.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in

accordance with the requirements of subparagraphs (1) through (3) of this paragraph.

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of airplanes accommodating more than 6 but less than 31 passengers. On airplanes accommodating more than 30 passengers, at least 2 fire extinguishers shall be provided. None need be provided in passenger compartments of airplanes accommodating 6 or less persons.

NOTE: An approved type fire extinguisher is an extinguisher approved by the Underwriters' Laboratories, Inc., Factory Mutual Laboratories, Underwriters' Laboratories of Canada, or any other person whose approval is acceptable to the FAA, or an extinguisher which is otherwise approved in accordance with the provisions of § 4b.18 of Part 4b of this chapter (Civil Air Regulations).

(c) *First-aid equipment.* Approved first-aid kits as specified in Appendix A to this part for the treatment of injuries likely to occur in flight or in minor accidents shall be provided.

NOTE: See Appendix A for type and contents of first-aid kits.

(d) *Crash ax.* All airplanes shall be equipped with at least one crash ax.

(e) *Means for emergency evacuation.* On all passenger-carrying airplanes, at all emergency exits which are more than 6 feet from the ground with the airplane on the ground and with the landing gear extended, means shall be provided to assist the occupants in descending from the airplane. At floor level exits approved as emergency exits, such means shall be a chute or equivalent device suitable for the rapid evacuation of passengers. During flight time this means shall be in a position for immediate installation and ready use: *Provided*, That the requirements of this paragraph do not apply to emergency exits over the wing where the greatest distance from the lower sill of the exit to the wing surface does not exceed 36 inches.

(f) *Interior emergency exit markings.*

(1) In all passenger-carrying airplanes, all passenger emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

(2) In all passenger-carrying airplanes, a source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all passenger emergency exit markings. Such lights shall be de-

signed to function automatically in a crash landing and to continue to function thereafter and shall also be operable manually, or shall be designed only for manual operation and also to continue to function following a crash landing. When such lights require arming of the system to function automatically, the system shall be armed prior to each takeoff and landing. When such lights require manual operation to function, they shall be turned on prior to each takeoff and landing.

§ 42.174 Seats and safety belts for all occupants of airplanes.

(a) The operator shall provide and make available at all times during the takeoff, en route flight, and landing of an airplane which it is operating:

(1) An approved seat or berth for each person over 2 years of age aboard the airplane, and

(2) An approved safety belt for separate use by each person over 2 years of age aboard the airplane, except that two persons occupying a berth may be provided with one approved safety belt to be shared by both such persons, and two persons occupying a multiple lounge or divan seat may be provided with one approved safety belt to be shared by both such persons during en route flight only.

(b) During takeoff and landing of the airplane, each person on board shall occupy an approved seat or berth and secure themselves with the approved safety belt provided for the occupant of such seat or berth, except that a person 2 years of age or less may be held by an adult person occupying a seat or berth. A safety belt provided for the occupant of a seat shall not be used by more than one adult during takeoff and landing.

§ 42.175 Miscellaneous equipment for all airplanes.

If protected fuses are installed on an airplane, spare fuses of a number approved for the particular airplane and appropriately described in the air carrier manual shall be carried aboard the airplane. In addition, the following equipment shall be installed in the airplane:

(a) Windshield wiper or equivalent for each pilot station.

(b) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided*, That the use of common elements in the power distribution system will be approved if the operator shows that such elements are so designed as to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, shall be on separate engines.

NOTE: Any airplane power and distribution systems which meet the requirements of §§ 4b.606 (a), (b), and (c); 4b.612(c); 4b.622 (a) and (b); 4b.623(c); 4b.625; and 4b.650 (b) of this chapter (Civil Air Regulations) comply with the requirements of paragraph (c) of this section.

(c) Means for indicating the adequacy of the power being supplied to required flight instruments.

(d) Two independent static pressure systems, so vented to the outside atmospheric pressure that they will be least affected by airflow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(e) Means for locking all companionway doors which separate passenger compartments from flight crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crewmembers. Any door which is the means of access to a required passenger emergency exit shall be placarded to indicate that it must be open during takeoff and landing. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

§ 42.176 Cockpit check procedure for all airplane operations.

The operator shall provide for each type of airplane an approved cockpit check procedure. The approved procedures shall include all items necessary for flight crewmembers to check for safety prior to starting engines, prior to taking off, prior to landing, and in engine and system emergencies, and shall be so designed as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked. The approved procedure shall be readily usable in the cockpit of each airplane and shall be followed by the flight crew when operating the airplane.

§ 42.177 Passenger information for all airplane operations.

All airplanes shall be equipped with signs visible to the passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew and shall be placed in the "On position" for all takeoffs and landings, and when otherwise deemed necessary by the pilot in command.

§ 42.178 Exterior exit and evacuation markings for all airplane operations.

The exterior surfaces of the airplane shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

§ 42.179 Shoulder harness.

All transport type airplanes certificated after January 1, 1958, shall be equipped with shoulder harnesses at the

pilot in command, the second in command, and flight engineer stations.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 42.200 Instruments and equipment for airplane operations at night.

Each airplane operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 42.171 through 42.179:

(a) Position lights;

(b) An anticollision light for airplanes having a maximum certificated weight of more than 12,500 pounds;

(c) Two landing lights;

(d) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;

(e) A second airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing; and

(f) A second sensitive altimeter.

§ 42.201 Instruments and equipment for airplane operations under IFR or over-the-top.

Each airplane operated under IFR or over-the-top shall be equipped with the following instruments and equipment in addition to those required by §§ 42.171 through 42.179:

(a) A second airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;

(b) A second sensitive altimeter; and

(c) Instrument lights providing sufficient illumination to make all required instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory.

§ 42.202 Supplemental oxygen; reciprocating-engine-powered airplanes.

(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 42.203, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements hereinafter set forth, "cabin pressure altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the alti-

tude above sea level at which the airplane is operated; for airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the entire flight time at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* Each operator shall provide a supply of oxygen approved for passenger safety in accordance with the following standards:

(1) For flights of over 30 minutes duration at cabin pressure altitudes above 8,000 feet to and including 14,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, a supply of oxygen sufficient to provide oxygen for the duration of flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at cabin pressure altitudes above 15,000 feet, a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 42.202—T Supplemental oxygen for sustenance; turbine-powered airplanes.

(a) *General.* When operating turbine-powered airplanes, sustaining oxygen and dispensing equipment shall be furnished by the operator for use as set forth in this section. The amount of oxygen provided shall be at least that quantity which will be necessary to comply with paragraphs (b) and (c) of this section. The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of cabin pressure altitudes and flight duration consistent with the op-

erating procedures established for each such operation and route. The requirements for airplanes with pressurized cabins shall be determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at that altitude or point of flight which is most critical from the standpoint of oxygen need, and that after such failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual without exceeding its operating limitations to a flight altitude that will permit successful termination of the flight. Following such a failure the cabin pressure altitude shall be considered to be the same as the flight altitude unless it can be shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude, under which circumstances the maximum cabin pressure altitude attained may be used as a basis for certification and/or determination of oxygen supply.

(b) *Crewmembers.* A supply of oxygen for crewmembers shall be provided in accordance with the following requirements:

(1) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crewmembers, during the entire flight at such altitudes.

(3) When oxygen must be used by a flight crewmember, it shall be used continuously by such crewmember during the required periods, except when it is necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty prior to the completion of the flight shall be provided with the same amount of supplemental oxygen as is provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, such crewmember shall be considered as a passenger with regard to supplemental oxygen requirements.

(c) *Passengers.* A supply of oxygen for passengers shall be provided in accordance with the following requirements:

(1) For flights at cabin pressure altitudes above 10,000 feet to and including 14,000 feet, oxygen shall be provided for the duration of flight in excess of 30 minutes for 10 percent of the number of passengers carried;

(2) For flights at cabin pressure altitudes above 14,000 feet to and including 15,000 feet, oxygen shall be provided for the duration of flight at such altitude for 30 percent of the number of passengers carried; and

(3) For flights at cabin pressure altitudes above 15,000 feet, oxygen shall be provided for each occupant carried for the duration of flight at such altitude.

§ 42.203 Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.

When operating pressurized cabin airplanes, the operator shall so equip such airplanes as to permit compliance with the requirements of paragraphs (a) through (c) of this section in the event of cabin pressurization failure:

(a) *For crewmembers.* When operating such airplanes at flight altitudes above 10,000 feet, the operator shall provide sufficient oxygen for all crewmembers for the duration of the flight at such altitudes: *Provided*, That not less than a 2-hour supply of oxygen shall be provided for the flight crewmembers on flight deck duty. The oxygen supply required by § 42.205 may be considered in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the operator shall provide amounts of oxygen as required by subparagraphs (1) through (3) of this paragraph.

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet, a supply sufficient to comply with § 42.202(c) (3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 42.202(c) (2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 42.202(c) (2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the stand-

point of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 42.203—T Supplemental oxygen for emergency descent and for first aid; turbine-powered airplanes with pressurized cabins.

(a) *General.* When operating turbine-powered airplanes with pressurized cabins, the operator shall furnish oxygen and dispensing equipment necessary to permit compliance with the requirements set forth in paragraphs (b) through (e) of this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with § 42.202—T except that not less than a 2-hour supply be provided for the flight crewmembers on flight deck duty. The oxygen required by § 42.205 may be included in determining the supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating at flight altitudes above 25,000 feet, each flight crewmember on flight deck duty shall be provided with an oxygen mask so designed that it is capable of being rapidly placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that upon completion of the donning action the oxygen mask does not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system. When not being used at flight altitudes above 25,000 feet, the oxygen mask shall be kept at all times in a condition for ready use and so located as to be within the immediate reach at all times of the flight crewmember while at his duty station.

(2) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen: *Provided*, That the one pilot need not wear and use an oxygen mask while at or below 35,000 feet if each flight crewmember on flight deck duty is provided with a quick-donning type of oxygen mask which the operator has demonstrated to the satisfaction of an authorized representative of the Administrator is capable of being placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within 5 seconds. The operator shall also demonstrate that the donning of the mask can be accomplished without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. Upon completion of the donning action, the oxygen mask shall not prevent the flight crewmember from being able immediately to communicate with other crewmembers over the airplane intercommunication system.

(3) Notwithstanding the provisions in subparagraph (2) of this paragraph,

when operating at flight altitudes above 25,000 feet, if at any time it is necessary for one pilot to leave his station at the controls of the airplane for any reason, the remaining pilot at the controls shall don and use his oxygen mask until the other pilot has returned to his duty station.

(4) Prior to takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Portable oxygen equipment of not less than a 15-minute oxygen supply shall be carried by each attendant during the entire time flight is conducted above 25,000 feet flight altitude, unless it is shown that sufficient portable oxygen units equipped with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to the cabin attendants regardless of their location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen shall be provided for the use of passenger cabin occupants:

(1) When an airplane is certificated to operate at flight altitudes to and including 25,000 feet, and if at any point along the route to be flown the airplane can descend safely to a flight altitude of 14,000 feet or less within 4 minutes, oxygen shall be available at the rate prescribed by this part for a 30-minute period for not less than 10 percent of the number of passenger cabin occupants carried.

(2) When an airplane is operated at flight altitudes to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within 4 minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen shall be available at the rate prescribed by this part for not less than 10 percent of the number of passenger cabin occupants carried for the duration of flight following cabin depressurization at cabin pressure altitudes above 10,000 feet to and including 14,000 feet and, as applicable, to permit compliance with § 42.202—T(c) (2) and (3), except that not less than a 10-minute supply for all passenger cabin occupants shall be provided.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § 4b.651(b) (4) of Part 4b of this chapter (Civil Air Regulations) (see § 42.204) shall be provided for 2 percent of the occupants for the duration of flight following cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than 2, shall be provided. Means shall be provided to enable the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crewmember shall give instructions and demonstrations to the passengers sufficient to insure that all passengers are adequately informed regarding the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

§ 42.204 Equipment standards.

(a) *Reciprocating-engine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 42.202 shall meet the standards established in § 4b.651 of Part 4b of this chapter (Civil Air Regulations) effective July 20, 1950: *Provided*, That if the operator shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen to comply with the requirements of §§ 42.202—T and 42.203—T shall meet the standards established in § 4b.651 of Part 4b of this chapter (Civil Air Regulations) effective September 1, 1958: *Provided*, That if the operator shows full compliance with such standards to be impracticable, an authorized representative of the Administrator may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 42.205 Protective breathing equipment for the flight crew.

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crewmember on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes if an authorized representative of the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the airplane is flown in accordance with either normal or emergency procedures.

§ 42.206 Equipment for extended overwater operations; airplanes.

(a) The following equipment shall be carried on an airplane used in extended overwater operations: *Provided*, That an authorized representative of the Administrator may by amending the operations specification of an operator require the carriage of all of the prescribed equipment, or any item thereof, for any operation over water, or upon

application of an operator permit deviation from these requirements for a particular extended overwater operation:

(1) A life preserver for each occupant of the airplane;

(2) Liferrafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the airplane;

(3) Suitable pyrotechnic signaling devices; and

(4) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant.

(b) All required liferafts, life preservers, and signaling devices shall be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment shall be installed in conspicuously marked approved locations.

(c) Survival kit, appropriately equipped for the route to be flown, shall be attached to each required liferaft.

§ 42.207 Equipment for operations in icing conditions; airplanes.

(a) For all operations in icing conditions, each airplane shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) For operations in icing conditions at night, means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crewmembers in the performance of their normal functions.

§ 42.208 Equipment for operations over uninhabited terrain; airplanes.

The following equipment shall be carried on an airplane used in operations over uninhabited areas and other areas in which an authorized representative of the Administrator finds that such equipment is necessary for search and rescue in the event of an emergency:

(a) Suitable pyrotechnic signaling devices;

(b) One portable emergency radio signaling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the airplane power supply and which is self-buoyant and water-resistant; and

(c) Sufficient survival kits, adequately equipped for the route to be flown, for the number of occupants of the airplane.

NOTE: When required, the areas are specified in the operations specifications of the operator.

§ 42.209 Equipment for operations on which specialized means of navigation are required; airplanes.

The operator shall show that sufficient and adequate airborne equipment is

provided to permit navigation to be accomplished by the specialized method authorized for the particular route to be operated.

§ 42.210 Flight recorders; airplanes.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight.

(b) When an approved flight recorder is installed, it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the operator for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

RADIO EQUIPMENT

§ 42.230 Radio equipment; airplanes.

Each airplane used in operations subject to this part shall be equipped with radio equipment specified for the type of operation in which it is engaged. Where two independent separate and complete radio systems are required by §§ 42.231 through 42.233, each system shall have an independent antenna installation: *Provided*, That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 42.231 Radio equipment for operations under VFR over routes navigated by pilotage; airplanes.

(a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the following functions:

(1) Communicate with at least one appropriate ground station from any point on the route;

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended; and

(3) Receive meteorological information from any point on route by either of two independent systems. One of the means of compliance provide for compliance with this subparagraph may be employed for compliance with subparagraphs (1) and (2) of this paragraph.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to

fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route to be flown, except that no marker beacon receiver or ILS receiver need be provided.

§ 42.232 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top; airplanes.

(a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 42.231(a) and to receive satisfactorily, by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation on routes using procedures based on automatic direction finding only one automatic direction finding system need be installed: *Provided*, That the ground facilities are so located and the airplane is so fueled that, in case of failure of the automatic direction finding equipment, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by the use of the remaining airplane radio systems.

(c) In those areas where transition from low frequency to very high frequency radio navigational systems is in progress, one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigational facilities: *Provided*, That ground facilities are so located and the airplane is so fueled that, in the case of failure of either system, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining airplane radio system.

§ 42.233 Radio equipment for extended overwater operations and for certain other operations; airplanes.

For the following operations, each airplane shall be equipped with such radio equipment as is necessary to fulfill the functions specified in § 42.232 and, in addition, by an independent system, the functions specified in § 42.231(a) (1):

(a) Extended overwater operations; and

(b) Operations for which an authorized representative of the Administrator finds such equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 42.240 Responsibility for maintenance.

Irrespective of whether the operator has made arrangements with any other person for the performance of maintenance and inspection functions, each operator shall have the primary responsibility for the airworthiness of its aircraft and required equipment.

§ 42.241 Maintenance and inspection requirements.

(a) The operator, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this chapter (Civil Air Regulations), with accepted standards and good practices, and that any airframe, engine, propeller, or appliance released for flight is airworthy. All maintenance, repairs, and alterations shall be accomplished in accordance with the provisions of Part 18 of this chapter (Civil Air Regulations), and the Maintenance portion of the operator's manual and the operations specifications of the operator.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, engine, propeller, or appliance shall hold an appropriate airman certificate.

§ 42.242 Maintenance and inspection training program.

The operator or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and the techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 42.243 Maintenance and inspection personnel duty time limitations.

Within the United States, its Territories and possessions, all maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

FUEL AND OIL

§ 42.250 Aircraft fuel, oil, and other fluid servicing requirements.

(a) *Facilities to be used.* Aircraft fuel, oil, and other fluids shall be obtained from approved facilities. To be eligible for approval such facilities shall meet the requirements of subparagraphs (1) through (11) of this paragraph.

(1) Fueling hose used shall be specifically designed for aircraft fueling and shall be capable of withstanding the maximum pressures (including surge pressure) of the equipment to which it is connected.

(2) Except in under wing fuel servicing, fuel nozzles used shall be so designed or modified that the valve must be held open by hand to allow fuel to flow.

(3) Fueling nozzles shall be provided with screens to prevent contaminating particles in the fuel from entering the fuel tank.

(4) Provisions shall be made for the elimination of water and contaminants from fueling systems, fueling trucks, and fuel storage tanks.

(5) Procedures shall be established for conducting and recording the results of daily water checks made in regard to fueling systems, fueling trucks, and fuel storage tanks.

(6) Fueling facilities shall be as near zero ground potential as possible but not more than 10,000 ohms resistance as determined by proper electrical measuring equipment.

(7) At least one fully charged 50-pound CO₂ fire extinguisher or its equivalent shall be readily available during fueling or defueling operations.

(8) Procedures shall be established to prevent fire hazards as a result of spilled fuel.

(9) Aviation fueling equipment and containers shall be properly marked and color coded to denote the type and grade of fuel.

(10) Procedures shall be established to prevent water and contaminants from entering into the filler openings while servicing the airplane.

(11) Procedures shall be established for the safe servicing of aircraft with methanol, water-fuel injection solutions, and alcohol base deicing solutions, if provided.

(b) *Operating procedures.* (1) During fueling or defueling operations, no aircraft maintenance shall be performed which will provide a source of ignition for fuel or fuel vapors.

(2) If passengers remain aboard an aircraft during fueling or defueling operations, an attendant shall be present in the cabin and the passenger loading steps shall be kept in position. A "No Smoking" sign shall be displayed in the cabin.

(3) Fueling and defueling operations shall be suspended during severe lightning and electrical storms.

(4) Open flames and lighted open flame devices shall be prohibited on the passenger ramps and in other locations within 50 feet of the aircraft being fueled and defueled.

(5) The operator or the pilot in command shall sample the aircraft's fuel sumps after each fueling is completed to insure that there is no water or contamination within the fuel tank.

(6) The operator or the pilot in command shall insure that the aircraft is serviced with the proper type and grade of fuel.

(7) The operator or the pilot in command shall insure that the aircraft is serviced with the proper type and grade of lubricating oil and hydraulic fluid.

AIRMAN AND CREWMEMBER REQUIREMENTS

§ 42.260 Utilization of airman.

(a) No operator shall utilize an individual as an airman unless he holds an

appropriate and currently valid airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized. He shall have appropriate airman and medical certificates in his personal possession while engaged in operations under this part, and shall present the same for examination to any authorized representative of the Administrator upon request.

(b) No individual who has reached his 60th birthday shall be utilized or serve as a pilot on any airplane while engaged in operations under this part.

§ 42.261 Composition of flight crew.

(a) No operator shall operate an aircraft with less than the minimum flight crew specified in the Aircraft Flight Manual approved for such type of aircraft and required by this part for the type of operation being conducted.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the operator is authorized to operate helicopters under instrument conditions, or operate any aircraft of more than 12,500 pounds maximum certificated takeoff weight, the minimum pilot flight crew shall be 2 pilots, one of whom shall be designated by the operator as pilot in command and the other as second in command.

(d) On flights requiring a flight engineer, at least one other flight crewmember shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

§ 42.262 Flight navigator; airplanes.

An airman holding a valid flight navigator certificate shall be required for flight over any area, route, or route segment outside the continental limits of the United States (including Alaska) when:

(a) An authorized representative of the Administrator determines that celestial navigation is necessary, or

(b) Other specialized means of navigation necessary to obtain a reliable fix for the safe conduct of the flight cannot be accomplished adequately from the pilot station for a period in excess of one hour: *Provided*, That upon consideration of the following factors a navigator may also be required when such specialized means of navigation are necessary for one hour or less: The speed of the aircraft used by the operator, the normal weather conditions to be encountered, the extent of air traffic control, the amount of traffic congestion, the area of the land at destination, fuel requirements, whether sufficient fuel is carried for return to the point of departure or alternates, and whether flight is predicated upon operation beyond the point-of-no-return.

NOTE: The routes or route segments over which a navigator is required are specified in the operations specifications of the operator.

§ 42.263 Flight engineer; airplanes.

An airman holding a valid flight engineer certificate shall be required on all airplanes certificated for more than 30,000 pounds maximum certificated takeoff weight. Such airman shall also be required on all 4-engine airplanes certificated for more than 30,000 pounds maximum certificated takeoff weight where an authorized representative of the Administrator determines that the design of the airplane used or the type of operation is such as to require engineer personnel for the safe operation of the airplane.

§ 42.265 Flight attendant; airplanes.

(a) Except when authorized under the provisions of paragraph (b) of this section, the operator shall provide at least the following number of flight attendants on airplanes used in passenger operations:

(1) One flight attendant on airplanes having a seating capacity of 10 or more passengers;

(2) Two flight attendants on airplanes having a seating capacity of 45 or more passengers; and

(3) Three flight attendants on airplanes having a seating capacity of more than 100 passengers.

(b) Upon application by the operator, an authorized representative of the Administrator may approve the use of an airplane in a particular operation with a number of flight attendants less than that specified in paragraph (a) of this section. Such approval may be granted if the operator shows that due to the type of operations involved, number of passenger seats, compartments, emergency exits and equipment, or other trained flight crewmembers not on flight deck duty whose services may be used in emergencies, all safety and emergency functions and procedures established in accordance with § 42.267 for the particular type of airplane and operation are capable of being performed adequately with less flight attendants.

NOTE: When an authorized representative of the Administrator approves the use of an airplane with a number of flight attendants less than that specified in paragraph (a) of this section, the number and the particular operation for which such number is approved are specified in the operations specifications of the operator.

§ 42.266 Aircraft dispatcher.

If a dispatch system is used, the operator shall show that an adequate number of qualified dispatchers are located at each dispatch center to insure the proper operational control of each flight.

§ 42.267 Assignment of emergency and evacuation functions for each crewmember; airplanes.

Each operator of airplanes shall assign to each crewmember all necessary functions each such crewmember is to perform in emergencies and in circumstances requiring emergency evacuation. Emergency functions shall be assigned for each type of airplane used by the

operator and the operator shall show that functions so assigned are realistic and capable of accomplishment. These functions shall be described in the operator's manual and the operator shall insure that all required crewmembers are given adequate training in the assigned functions in the course of their participation in the approved emergency training program prescribed in § 42.285.

TRAINING PROGRAM

§ 42.280 Establishment of approved program; airplanes.

(a) Each operator of airplanes shall establish a training program sufficient to insure that each crewmember and dispatcher used by the operator is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in operations under this part. The training program shall meet with the approval of an authorized representative of the Administrator.

(b) Each operator shall provide adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as required for the airman being checked.

(c) The training program for each flight crewmember shall consist of appropriate ground and flight training including proper flight crew coordination and training in emergency procedures. Procedures for each flight crew function shall be standardized to the extent that each flight crewmember will know the functions for which he is responsible and the relation of those functions to those of other flight crewmembers. The initial and recurrent program shall include at least the appropriate requirements specified in §§ 42.281 through 42.285.

(d) The crewmember emergency procedures training program shall include at least the requirements specified in § 42.285.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training check or flight check shall certify to the proficiency of each crewmember and dispatcher upon completion of his initial and recurrent training, and such certification shall become a part of the individual's record.

§ 42.281 Pilot ground training; airplanes.

(a) Ground training for each pilot prior to serving as a flight crewmember on an airplane shall include instruction in at least the following:

(1) The appropriate provisions of the operator's operations specifications and appropriate provisions of this chapter (Civil Air Regulations) with particular emphasis on the operation and dispatching rules and airplanes operating limitations;

(2) Dispatch procedures and appropriate contents of the manuals;

(3) The duties and responsibilities of crewmembers;

(4) The type of airplane to be flown, including a study of the airplane, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(5) The principles and methods of determining weight and balance limitations for takeoff and landing;

(6) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the operator is authorized to use;

(7) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(8) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems;

(9) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions; and

(10) Communications procedures including procedures to be used in the event any of the communications equipment required by this part becomes inoperative.

(b) The operator shall give each pilot such additional ground training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

§ 42.282 Pilot flight training; airplanes.

(a) Flight training for each pilot prior to serving as a flight crewmember on an airplane shall include at least takeoffs and landings, during day and night, and normal and emergency flight maneuvers in each type of airplane to be flown by him in operations under this part, and flight under simulated instrument flight conditions. A pilot qualifying to serve as other than pilot in command or second in command shall demonstrate to an authorized representative of the Administrator or to a check pilot his ability to takeoff and land each type of airplane in which he is to serve.

(b) Flight training for a pilot qualifying to serve as pilot in command or as second in command on an airplane in a crew requiring 3 or more pilots shall include flight instruction and practice in at least the maneuvers and procedures specified in subparagraphs (1) and (2) of this paragraph.

(1) In each type of airplane to be flown by him in operations under this part;

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with simulated failure of the critical engine. For transport category airplanes, the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climbout shall be accomplished at a speed as close as possible to the takeoff safety speed (V_2). Each

pilot shall ascertain the proper values for speeds V_1 and V_2 ;

(ii) At the authorized maximum landing weight, flight in a 4-engine airplane, where appropriate, with the most critical combinations of 2 engines inoperative, or operating at zero thrust, utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pullout from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust;

(iv) Suitable combinations of airplane weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the airplane under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

(c) Flight training for a pilot qualifying to serve as second in command on an airplane in a crew requiring 2 pilots shall include flight instruction and practice in at least the maneuvers and procedures specified in subparagraphs (1) and (2) of this paragraph.

(1) In each type of airplane to be flown by him in operations under this part:

- (i) Assigned flight duties as second in command including flight emergencies;
- (ii) Taxiing;
- (iii) Takeoffs and landings;
- (iv) Climbs and climbing turns;
- (v) Slow flight;
- (vi) Approach to stall;
- (vii) Engine shutdown and restart;
- (viii) Takeoff and landing with simulated engine failure; and

(ix) Conduct of flight under simulated instrument conditions including instrument approach at least down to circling approach minimums and missed approach procedures.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. Except for those approach procedures for which the lowest minimums are approved, all other letdown procedures may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the operator.

(d) The operator shall give each person serving as pilot of an airplane such additional flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent flight training and checks shall be provided to insure the continued proficiency of each pilot with respect to procedures, techniques, and information

essential to the satisfactory performance of his duties. Where the check of the pilot in command or second in command requires actual flight, satisfactory completion of the applicable proficiency checks required by § 42.302 or 42.305 will meet the requirements of this section.

§ 42.283 Flight navigator training; airplanes.

(a) The training for flight navigators on airplanes shall include the applicable portions of at least subparagraphs (1) through (4) and (6) through (8) of § 42.281(a).

(b) Prior to serving as a flight crewmember, each flight navigator shall be given sufficient ground and flight training to become proficient in those duties assigned him by the operator. The flight training may be accomplished during flights subject to this part under the supervision of a qualified flight navigator assigned as the navigation crewmember.

(c) The operator shall give each flight navigator such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight navigator with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Such flight check may be accomplished during passenger or cargo flights under the supervision of a qualified navigator, or in a synthetic trainer in lieu of a check in flight.

§ 42.284 Flight engineer training; airplanes.

(a) The training for flight engineers on airplanes shall include at least the instruction specified in § 42.281(a) (1) through (5).

(b) Prior to serving as a flight crewmember, each flight engineer shall be given sufficient training in flight to become proficient in those duties assigned him by the operator. Except for emergency procedures, the flight training may be accomplished during flights subject to this part under the supervision of a qualified flight engineer.

(c) The operator shall give each flight engineer such additional ground and flight training as is necessary to insure qualification with respect to any new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, recurrent ground training and a flight check shall be provided to insure the continued proficiency of each flight engineer with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Except for emergency procedures, such flight check may be accomplished during flights subject to this part under the supervision of a qualified flight engineer or the entire check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 42.285 Crewmember emergency training; airplanes.

(a) The training in emergency procedures for airplanes shall be designed to give each crewmember appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crewmembers. At least the following subjects as appropriate to the individual crewmember shall be taught: The procedures to be followed in the event of the failure of an engine, or engines, or other airplane components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Recurrent training in the emergency procedures required in paragraph (a) of this section shall be accomplished at intervals not to exceed 12 months. Accomplishment of such training shall be made a part of the individual's record.

(c) Synthetic trainers may be used for training of crewmembers in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

(d) All crewmembers performing duties on pressurized airplanes operated above 25,000 feet shall, as a part of their approved emergency procedure training, receive instructions by means of lectures and films covering at least: respiration, hypoxia, duration of consciousness at altitude when supplemental oxygen is not supplied, gas expansion, gas bubble formation, physical phenomena and incidents of decompression; and receive actual training and practice in the donning of the oxygen mask and operation of the oxygen equipment. In lieu of the required films, the operator may use any other equivalent means of visual presentation which, after demonstration, meets with the approval of an authorized representative of the Administrator.

§ 42.286 Aircraft dispatcher training.

(a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the aircraft used by the operator, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to an aircraft in distress.

(b) Each aircraft dispatcher, prior to initially performing the duty of an aircraft dispatcher, shall satisfactorily demonstrate to the supervisor or ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the operator's operating certificate;

(2) Appropriate provisions of the operator's operations specifications, manual, and Civil Air Regulations;

- (3) Characteristics of the aircraft used by the operator;
- (4) Cruise control data and cruising speeds for such aircraft;
- (5) Maximum authorized loads for the aircraft for the routes, and airports to be used;
- (6) Characteristics and limitations of each type of radio and navigational facility to be used;
- (7) Effect of weather conditions on aircraft radio reception;
- (8) Airports to be used and the general terrain over which the aircraft are to be flown;
- (9) Prevailing weather phenomena;
- (10) Sources of weather information available;
- (11) Pertinent air traffic control procedures; and
- (12) Emergency procedures.

(c) The training program shall provide such additional training as is necessary to insure that each dispatcher is qualified with respect to new equipment procedures or techniques. At least once each 12 months, as a part of the training program, recurrent training and checks shall be provided to insure the continued competence of each dispatcher with respect to the procedures, techniques, and information essential to his duties.

FLIGHT CREWMEMBER AND DISPATCHER QUALIFICATION

§ 42.300 Qualification requirements.

(a) An operator shall not utilize any flight crewmember or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of §§ 42.280 through 42.286 and 42.301, except that in the case of operations involving helicopters he shall meet the appropriate requirements of § 46.280 or § 46.289, and §§ 46.301 through 46.304 of Part 46 of this chapter (Civil Air Regulations). Each pilot serving as pilot in command and each pilot serving as second in command in operations requiring 3 or more pilots shall hold appropriate airline transport pilot certificates and appropriate type ratings for the aircraft in which they serve. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of each pilot being examined, as required by §§ 42.302, 42.303, and 42.305 and such certification shall become a part of the individual's record.

§ 42.301 Pilot recent experience; airplanes.

An operator shall not utilize a pilot as pilot in command or second in command of an airplane in operations under this part unless within the preceding 90 days he has made at least 3 takeoffs and 3 landings in the airplane of the particular type on which he is to serve.

§ 42.302 Pilot checks; airplanes.

(a) *Line check.* An operator shall not utilize a pilot as pilot in command of an airplane until he has satisfactorily passed a line check in one of the types of airplanes to be flown by him. Thereafter, he shall not serve as pilot in com-

mand unless each 12 months he successfully completes a similar line check. The line check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. This check shall be given by a check pilot who is both qualified on the airplane and on the route. It shall consist of at least one flight over a typical portion of the operator's routes over which the pilot is normally assigned and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) *Proficiency check.* (1) An operator shall not utilize a pilot as pilot in command of an airplane until he has satisfactorily demonstrated to a check pilot or an authorized representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

(2) The pilot proficiency check shall include at least the following:

(i) Equipment examination (oral or written), taxiing, runup, takeoff, climb, climbing turns, steep turns, maneuvers at minimum speeds, approach to stalls, propeller feathering, maneuvers with one or more engine(s) out, rapid descent and pullout, ability to tune radio, orientation, and approach procedures;

(ii) The flight maneuvers specified in § 42.282(b) (1), except that the simulated engine failure during takeoff need not be accomplished at speed V_1 , nor at actual or simulated maximum authorized weight; and

(iii) Flight maneuvers approved by an authorized representative of the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the operator.

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an airplane simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The operator shall show that the flight character-

istics, performance, instrument reaction, and control loading of the applicable airplane are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph.

(i) The simulator shall represent a full-scale mockup of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(iii) In response to control movement by a flight crewmember, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in airplane configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operations, takeoff, landing, normal flight, unusual attitudes, navigational problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunctions of airplane engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigational aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(vii) Other airplane systems and components shall be simulated to the extent found necessary by an authorized representative of the Administrator.

(c) Prior to serving as pilot in command in a particular type of airplane, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type of airplane.

§ 42.303 Pilot airport qualification requirements; airplanes.

(a) Except as authorized in paragraph (c) of this section, an operator shall not permit a pilot as pilot in command of an airplane in operations under this part to fly into any airport until he has been qualified in accordance with paragraph (b) of this section and the appropriate instructor or check pilot has so certified in the operator's airman records.

(b) Each such pilot shall by oral or written means demonstrate adequate knowledge concerning the subjects listed below with respect to each airport to be used.

NOTE: Those portions of the demonstration pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the type of navigational and letdown procedures approved for use by the operator at such airport.

- (1) Weather characteristics, all seasons;
- (2) Navigational facilities;
- (3) Communication procedures;
- (4) Type of terrain and obstruction hazards;
- (5) Minimum safe flight levels;
- (6) Pertinent air traffic control procedures, including terminal area, arrival, departure, and holding and all types of instruments approach procedures; and
- (7) Congested areas, obstructions, and physical layout of each airport in the terminal area in which the pilot is to operate.

(c) A pilot in command of an airplane who has not been previously qualified under paragraph (b) of this section, or who has not made an entry at the airport to be used as a member of a flight crew within the preceding 12-month period, may approach and land at such airport only if the reported weather indicates at least a ceiling 200 feet higher and a visibility $\frac{1}{2}$ mile greater than the prescribed landing minimums prescribed for such airport in Part 609 of this title. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. Sliding scales included in the operator's operations specifications may not be applied to landing minimums by pilots not currently qualified at such airports.

§ 42.304 Maintenance of pilot airport qualifications; airplanes.

To maintain pilot airport qualifications, each pilot being utilized as pilot in command of an airplane, within the preceding 12-month period, shall have made at least one entry as a member of a flight crew into each airport into which he is to operate.

§ 42.305 Proficiency checks; second in command; airplanes.

(a) An operator shall not utilize a pilot as second in command of an airplane until he has satisfactorily demonstrated to a check pilot or an authorized representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter he shall not serve as second in command unless each 12 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive

proficiency check shall be given in flight in the larger airplane type. The proficiency check shall include at least an oral or written equipment examination, and the procedures and flight maneuvers specified in § 42.282(c). The pilot proficiency check may be demonstrated from either the right or left pilot seat.

(b) The proficiency check for second in command of an airplane crew requiring 3 or more pilots shall be the same as required under § 42.302(b).

(c) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator which meets the requirements of § 42.302(b)(3), if satisfactorily completed, may be substituted at alternate 12-month intervals for the proficiency checks required by paragraphs (a) and (b) of this section.

(d) Satisfactory completion of the proficiency check in accordance with § 42.302(b) will also meet the requirements of this section.

§ 42.306 Flight navigator qualification for duty; airplanes.

An operator shall not utilize a flight navigator on an airplane unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight navigator, or until the operator or an authorized representative of the Administrator has checked such flight navigator and determined that he is familiar with all essential current navigational information pertaining to the routes to be flown and is competent with respect to the operating procedures and navigational equipment to be used. This check shall include a check in flight, or in a synthetic trainer which has been found satisfactory for such checks by an authorized representative of the Administrator. Such flight check may be accomplished during flights subject to this part, but the airman being checked shall not be assigned to the airplane as a required member of the flight crew.

§ 42.307 Flight engineer qualification for duty; airplanes.

An operator shall not utilize a flight engineer on an airplane unless, within the preceding 6-month period, he has had at least 50 hours of experience as a flight engineer on the type of airplane on which he is to serve, or until the operator or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all essential current information and operating procedures relating to the type of airplane to which he is to be assigned and is competent with respect to such airplane. This check shall include a check in flight, but such check shall not be accomplished during flights subject to this part: *Provided*, That in the case of a flight engineer who has been previously qualified in the type airplane, the check may be accomplished in a synthetic trainer in lieu of a check in flight.

§ 42.310 Aircraft dispatcher qualification for duty.

(a) Prior to dispatching an aircraft, an aircraft dispatcher shall be familiar, and the operator shall determine that he is familiar, with all essential operating

procedures for the entire route to be flown and with the aircraft to be used: *Provided*, That where he is qualified only on a portion of such route, he may dispatch aircraft, but only after coordinating with dispatchers who are qualified for the other portions of the route.

(b) An aircraft dispatcher shall not dispatch aircraft in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least a one-way qualification trip over the particular area on the flight deck of an aircraft. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable, but it shall not be necessary for the dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS; HELICOPTERS

§ 42.315 Flight time limitations; helicopters.

An operator shall not schedule a flight crewmember for duty aloft in operations subject to this part, or in other commercial flying, if his total flight in all commercial flying will exceed the flight time limitations prescribed in § 46.320 of Part 46 of this chapter (Civil Air Regulations).

FLIGHT TIME LIMITATIONS; AIRPLANES

§ 42.317 Pilots.

The following flight time limitations are applicable to all pilots serving on airplanes:

(a) *Individual pilot limitations.* (1) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours.

(2) A pilot shall receive 24 hours of rest before being assigned further duty when he has flown in excess of 8 hours during any 24 consecutive hours.

(3) A pilot shall be relieved from all duty for not less than 24 consecutive hours at least once during any 7 consecutive days.

(4) A pilot shall not fly as a crewmember in air carrier service more than 100 hours during any 30 consecutive days.

(5) A pilot shall not fly as a crewmember in air carrier service more than 1,000 hours in any one calendar year.

(6) A pilot shall not do other commercial flying if his total flying time for any specified period will exceed the limits of that period.

(7) Time spent in any deadhead transportation shall in no case be considered as part of a required rest period.

(b) *Airplanes having a crew of two pilots.* (1) A pilot shall not be scheduled to fly in excess of 8 hours during any 24-hour period unless he is given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period, and in no case shall such rest period be less than 8 hours. During such rest period the pilot shall be relieved of all duty with the air carrier.

(2) A pilot shall not be on duty for more than 16 hours during any 24 consecutive hours.

(c) *Airplanes having a crew of three pilots.* (1) A pilot shall not be sched-

uled for duty on flight deck in excess of 8 hours in any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 12 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 18 hours in any 24-hour period.

(d) *Airplanes having a crew of four pilots.* (1) A pilot shall not be scheduled for duty on the flight deck in excess of 8 hours during any 24-hour period.

(2) A pilot shall not be scheduled to be aloft for more than 16 hours in any 24-hour period.

(3) A pilot shall not be on duty for more than 20 hours during any 24-hour period.

§ 42.318 Flight engineer.

The flight time limitations prescribed in § 42.317 (a) and (b) shall apply to an airman serving as a flight engineer, except that when two or more airmen serve as flight engineers in a flight crew containing three or more pilots, the flight time limitations prescribed in § 42.317(d) shall apply in lieu of those in § 42.317(b).

§ 42.319 Overseas and international operations.

The operator may elect to use the flight time limitations of §§ 42.320 through 42.327 for operations conducted:

(a) Between a point in the Continental United States, or the State of Alaska, and any point outside thereof, or

(b) Between any two points outside the Continental United States (includes the State of Alaska), or

(c) Between two points within the State of Alaska or the State of Hawaii.

§ 42.320 General; all airmen.

(a) An airman shall not be aloft, as a member of the flight crew, more than 1,000 hours in any 12-month period.

(b) The time spent in deadhead transportation to or from duty assignment shall not be considered as part of any rest period.

(c) An airman shall not do other commercial flying while employed by an operator if his total flying time will exceed any flight time limitations specified in this part.

§ 42.321 Flight crew of two pilots and additional airmen, as required.

(a) An airman shall not be scheduled to be aloft, as a member of the flight crew, more than 12 hours during any 24 consecutive hours.

(b) When an airman has been aloft, as a member of the flight crew, 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the operator.

(c) In any case, each airman shall be relieved from all duty with the operator for not less than 24 consecutive hours during any 7 consecutive days.

(d) An airman shall not be aloft, as a member of the flight crew, more than 120 hours in any 30 consecutive days or 300 hours in any 90 consecutive days.

§ 42.322 Flight crew of three or more pilots and additional airmen, as required.

(a) An individual serving as a flight engineer, radio operator, or navigator shall not be scheduled for any duty on the flight deck more than 12 hours during any 24 consecutive hours.

(b) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the airman is away from his principal operations base.

(c) Adequate sleeping quarters on the aircraft shall be provided in all cases where an airman is scheduled to be aloft, as a member of the flight crew, more than 12 hours during any 24 consecutive hours.

(d) An airman, upon return to his operations base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours aloft, as a member of the flight crew, since the last rest period at his principal operations base before being assigned to any further duty with the operator. When the required rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before the airman is again scheduled for flight duty.

(e) An airman shall not be aloft, as a member of the flight crew, more than 350 hours in any 90 consecutive days.

§ 42.323 Pilots serving in more than one type of flight crew.

(a) A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in 30 consecutive days, or whose assignment is interrupted more than once in any 30 consecutive days by assignment to a crew consisting of two or more pilots and an additional crewmember, shall be governed by the provisions of § 42.317.

(b) Except for a pilot coming within the provisions of paragraph (a) of this section, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional crewmember crews in 30 consecutive days, or whose assignment in such crews is interrupted more than once in any 30 consecutive days by assignment to a crew consisting of three pilots and an additional flight crewmember, shall be governed by the provisions of § 42.321.

(c) A pilot to whom the provisions of paragraphs (a) and (b) of this section are not applicable, who is assigned duty aloft for a total of 20 hours or less within 30 consecutive days in two-pilot crews with or without additional flight crewmembers, shall be governed by the provisions of § 42.322.

(d) A pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in 30 consecutive days shall be governed by the provisions of § 42.322.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 42.340 Aircraft dispatcher daily duty time limitations.

(a) The daily duty period for an aircraft dispatcher shall commence at such

time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any aircraft. He shall remain on duty until all aircraft dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The rules in subparagraphs (1) through (3) of this paragraph will govern the hours of duty for an aircraft dispatcher, except where circumstances or emergency conditions beyond the control of the operator require otherwise.

(1) *Maximum consecutive hours of duty.* No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the operator for a period of at least 24 consecutive hours during any 7 consecutive days of the equivalent thereof within any one month.

(c) At duty stations outside the continental limits of the United States (including Alaska), when authorized by an authorized representative of the Administrator, a dispatcher may be scheduled for duty for a period of more than 10 consecutive hours in a 24-hour period: *Provided*, That a dispatcher so scheduled shall be relieved from all duty with the operator for a period of at least 8 hours during each 24-hour period.

FLIGHT OPERATIONS

§ 42.350 Operational control; flight following system.

If an operation subject to this part is conducted with an approved flight following service:

(a) The operator shall be responsible for operational control;

(b) The pilot in command, and those members of the management personnel designated by the operator and specified in the operations manual, shall be jointly responsible for the release, continuation and diversion, or termination of a flight;

(c) The members of the management personnel designated by the operator and specified in the operations manual shall be responsible for such monitoring of the progress of each flight as may be necessary for its continued safety, and its cancellation, diversion, or delay if, in their opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released; and

(d) The pilot in command shall be responsible for the preflight planning and the operation of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

§ 42.351 Operational control; dispatch system.

The operator shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The pilot in command, and the aircraft dispatcher, if utilized, shall be jointly responsible for the preflight planning, delay, and dispatch release of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of information necessary for continued safety of the flight; and

(2) For the cancellation or redispach of a flight if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

§ 42.352 Responsibility of pilots.

(a) The pilot in command shall during flight time be in command of the aircraft and crew and shall be responsible for the safety of the passengers, crewmembers, cargo, and aircraft.

(b) No pilot shall operate an aircraft in a careless or reckless manner so as to endanger life or property.

NOTE: Paragraph (a) of this section concerns on the pilot in command, with respect to matters concerning the operation of the aircraft, full control and authority without limitation over all other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties and functions of such crewmembers.

§ 42.353 Operations notices.

Each operator shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 42.354 Flight crewmembers at controls.

All required flight crewmembers when on flight deck duty shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crewmember is necessary for the performance of his duties in connection with the operation of the aircraft. All flight crewmembers shall keep their seat belts fastened when at their respective stations.

§ 42.355 Manipulation of controls.

No person other than a qualified pilot of the operator shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorizing pilot safety representatives of the Administrator or the

Board who are qualified on the aircraft and are engaged in checking flight operations; or

(b) Pilot personnel of another operator properly qualified on the aircraft and authorized by the operator of the aircraft.

§ 42.356 Admission to flight deck.

No person, other than a crewmember, may be admitted to the flight deck of an aircraft except those authorized in paragraphs (a) and (b) of this section. (For the purpose of this section, the term "flight deck" when applied to an airplane means all of the area forward of the door or window required by Parts 4a and 4b of this chapter (Civil Air Regulations) to be located between the pilot compartment and the passenger compartment.)

(a) FAA air carrier inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of another operator or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe operations; or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such employees of the operator as pilots, dispatchers, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other departments of the operator not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the management personnel of the operator and an authorized representative of the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) FAA air carrier inspectors or other authorized representatives of the Administrator or the Board engaged in checking or observing flight operations;

(2) Air traffic controllers who have been authorized by an authorized representative of the Administrator to observe ATC procedures;

(3) Certificated airmen of the operator whose duties with the operator require an airman certificate;

(4) Certificated airmen of another operator whose duties with such operator require an airman certificate and who have been authorized by the operator concerned to make specific trips over the route;

(5) Employees of the operator whose functions are directly related to the conduct or planning of flight operations or

the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by a responsible supervisor in the operations department of the operator, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the aircraft or its components whose functions are directly related to the in-flight monitoring of aircraft equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by an authorized representative of the Administrator and by a responsible supervisor in the operations department of the operator, who is listed in the Operations Manual as having such authority.

§ 42.357 Flying equipment.

(a) *Charts.* The pilot in command shall insure that appropriate aeronautical charts containing adequate information concerning navigational aids and instrument approach procedures are aboard the airplane for each flight.

(b) *Flashlights.* Each crewmember shall have in his possession on each flight a flashlight in good working order.

§ 42.358 Restriction or suspension of operation.

When conditions known to the operator or pilot in command exist which constitute a hazard to the conduct of safe operations, including airport and runway conditions, the operator or pilot in command shall restrict or suspend operations until such hazardous conditions are corrected.

§ 42.359 Use of cockpit check procedure.

The cockpit check procedure required by § 42.176 shall be used by the flight crew.

§ 42.360 Emergency decisions.

(a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances, the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the Civil Air Regulations.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, or the management personnel in the case of operations conducted with a flight following service, and which is known to them, they shall advise the pilot in command of such situation. The aircraft dispatcher or the management personnel shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher or management personnel shall declare an emergency and follow any

course of action they consider necessary under the circumstances.

(c) When emergency authority is exercised, the appropriate ground radio station shall be kept fully informed regarding progress of the flight, and within the 10 days after the completion of the particular flight or upon return to the home base from operations outside the United States, a written report of any deviation shall be submitted by the individual declaring the emergency to an authorized representative of the Administrator through the director of operations.

§ 42.361 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate FAA communications station or a ground radio station as soon as practicable. Any information pertaining to irregularities of ground and navigational facilities received by an operator shall be reported to the authority directly responsible for the operation of the particular facility involved.

§ 42.362 Reporting mechanical irregularities.

The pilot in command shall enter or cause to be entered in the maintenance log of the aircraft all mechanical irregularities encountered during flight time. He shall, prior to each flight, ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 42.363 Engine failure or precautionary stoppage; airplanes.

(a) Except as provided in paragraph (b) of this section, when one engine of an airplane fails or where the rotation of an engine of an airplane is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an airplane having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued;

(2) The altitudes, airplane weight, and usable fuel at the time of engine stoppage;

(3) The weather conditions en route and at possible landing points;

(4) The air traffic congestion;

(5) The type of terrain; and

(6) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command of the

airplane shall notify the proper ground radio station as soon as practicable and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command of an airplane selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his director of operations setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operator shall, within 10 days after the pilot's return to his home base, furnish a copy of this report with the comments of the appropriate management personnel thereon to an authorized representative of the Administrator.

§ 42.364 Instrument approach and IFR landing procedures; airplanes.

No instrument approach or IFR landing of an airplane shall be conducted at an airport except in accordance with the IFR weather minimums and instrument approach procedures specified in the operator's operations specifications.

§ 42.370 Briefing of passengers; airplanes.

(a) Prior to each takeoff, an operator engaged in passenger-carrying operations with an airplane shall insure that all passengers carried on the airplane are briefed orally concerning smoking, use of seat belts, location of the emergency exits, and the emergency evacuation procedures to be used in the event emergency evacuation of the airplane becomes necessary.

(b) Each operator engaged in extended overwater operations with an airplane shall insure that all passengers are briefed orally concerning the location and method of operation of life vests and emergency exits and the location of liferafts. The procedure to be followed in presenting this briefing shall be described in the operator's manual. Such a briefing shall include a demonstration of the method of donning and inflating a life vest. Where the airplane proceeds directly over water after takeoff, the briefing on location of the life vests shall be accomplished prior to takeoff, and the remainder of the briefing shall be accomplished as soon thereafter as practicable. Where the airplane does not proceed directly over water after takeoff, no part of the briefing need be accomplished prior to takeoff but the entire briefing shall be accomplished prior to reaching the overwater portion of the flight. (See § 42.203-T for passenger briefing requirements regarding oxygen equipment.)

§ 42.371 Drinking and serving of alcoholic beverages.

(a) No person shall drink any alcoholic beverage aboard an aircraft operated under the provisions of this part unless such beverage has been served to him by the operator of the aircraft.

(b) No operator shall serve any alcoholic beverage to any person aboard its aircraft if such person appears to be intoxicated.

(c) No operator shall permit any person to board its aircraft if such person appears to be intoxicated.

(d) An operator shall report to the Administrator within 5 days any incident in which a person aboard its aircraft refuses to comply with paragraph (a) of this section, or any disturbance caused by a person who appears to be intoxicated while aboard its aircraft.

§ 42.372 Minimum altitudes for use of automatic pilot; airplanes.

(a) *En route operations.* Except as provided in paragraph (b) of this section, an automatic pilot on an airplane may only be used during en route flight operations, including climb or descent, at an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot malfunction in the particular airplane under cruise conditions as specified in the Airplane Flight Manual for the airplane involved, or 500 feet, whichever is higher.

(b) *Approaches.* Except as provided in subparagraph (1) of this section, when using an instrument approach facility, an automatic pilot on an airplane may remain engaged down to an altitude above the terrain not less than twice the maximum altitude loss established for the automatic pilot in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or not less than 50 feet below the minimum ceiling approved for the facility being used, whichever is higher.

(1) *ILS approaches utilizing an approach coupler—(i) Under instrument flight rule weather conditions.* When the reported weather conditions are less than the basic weather conditions specified in § 60.30 of this chapter (Civil Air Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than 50 feet higher than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions, as specified in the Airplane Flight Manual for the airplane involved.

(ii) *Under visual flight rule weather conditions.* When reported weather conditions are equal to or better than the basic VFR minimums specified in § 60.30 of this chapter (Civil Air Regulations), an automatic pilot utilizing an approach coupler may remain engaged for ILS approaches down to an altitude above the terrain not less than the maximum altitude loss established for the automatic pilot and approach coupler in the particular airplane under approach conditions as specified in the Airplane Flight Manual for the airplane involved, or 50 feet, whichever is higher.

DISPATCHING AND FLIGHT RELEASE RULES

§ 42.381 Necessity for dispatching and flight release authority; airplanes.

(a) *Flight release.* No flight shall be started unless a flight release for the flight has been executed in accordance with the provisions of § 42.503.

(b) *Dispatch authority.* If the operator uses a dispatch system a flight shall not be started without specific authority

from an aircraft dispatcher. No flight may be continued from an intermediate airport without redispach if it has remained on the ground in excess of 6 hours.

(c) *Operations without dispatchers.* No flight shall be started without specific authority from the appropriate member of the operations management. When a flight originates at a location other than the operator's main base of operations the flight release form shall be mailed to such base prior to departure and retained in the operator's records as required by § 42.505. No flight shall be continued from an intermediate point without a new flight release if it has remained on the ground in excess of 6 hours.

§ 42.382 Familiarity with weather conditions; airplanes.

No dispatcher shall release a flight nor shall a pilot in command commence a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 42.383 Facilities and services; airplanes.

The dispatcher shall furnish to the pilot in command or, if the operator does not use a dispatch system, the pilot in command shall obtain prior to flight, all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight; and while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 42.384 Airplane equipment required for dispatch or flight release.

No airplane shall be dispatched or released for operation unless it is airworthy and equipped in accordance with the provisions of § 42.170.

§ 42.385 Airplane communications and navigational facilities required for dispatch or flight release.

No airplane shall be dispatched or released for flight over any route or route segment unless communications and navigational facilities equivalent to those required by § 42.36 are in satisfactory operating condition.

§ 42.386 Airplane dispatching or flight release under VFR.

No airplane shall be dispatched or released for operation under VFR unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the dispatch or flight release.

§ 42.387 Dispatching or flight release under IFR, over-the-top, or overwater; airplanes.

(a) No airplane shall be dispatched or released for operation under IFR or over-the-top unless the appropriate

weather reports or forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched or released indicate that the ceilings and visibilities at such airports will be at or above the authorized minimums at the estimated time of arrival thereat: *Provided*, That, for flights involving extended overwater operations, airplanes may be dispatched or released for flight if the appropriate weather reports or forecasts, or a combination thereof, pertaining to the airport or airports to which dispatched or released, or to any required alternate therefor, indicate that the ceilings and visibilities at such airports will be at or above the authorized minimums at the estimated time of arrival thereat.

(b) Extended overwater operations with airplanes shall be conducted at all times in accordance with the IFR requirements of this part except where the operator shows that such requirements are not necessary from a safety standpoint. Other overwater operations shall also be conducted at all times in compliance with the IFR requirements of this part whenever an authorized representative of the Administrator determines such compliance to be necessary in the interest of safety.

NOTE: Whenever extended overwater operations are authorized under VFR, or other overwater operations are required to be conducted under IFR, such authorization or requirement will be specified in the operations specifications of the operator.

§ 42.388 Alternate airport for departure; airplanes.

(a) If the weather conditions at the airport of takeoff are below the landing minimums specified in the operator's operations specifications for that airport, no airplane shall be dispatched or released for flight from that airport unless an alternate airport located within the following distances from the airport of takeoff is specified in the dispatch or flight release:

(1) *Airplanes having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour flying time in still air at normal cruising speed with one engine inoperative; and

(2) *Airplanes having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather conditions shall meet the requirements specified in the operator's operations specifications.

(c) All required alternate airports shall be listed in the dispatch or flight release.

§ 42.389 Alternate airport for destination; IFR or over-the-top; airplanes.

(a) For all IFR or over-the-top operations with airplanes there shall be at least one alternate airport designated in the dispatch or flight release for each airport of destination, except as provided in subparagraphs (1) and (2) of this paragraph.

(1) If the operator uses a dispatching system, no alternate need be provided for flights scheduled for no more than

6 hours when, for the period 2 hours before to 2 hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched or released is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least 3 miles.

(2) For flights outside the continental United States (excluding Alaska) over routes without an available alternate airport for a particular airport of destination, an alternate airport need not be designated, but the airplane shall carry sufficient fuel to meet the requirements of § 42.396.

(b) The alternate airport weather requirements for airplanes shall be those specified in the operator's operations specifications.

(c) All required alternate airports shall be listed in the dispatch or flight release.

§ 42.390 Alternate airport weather minimums; airplanes.

An airport shall not be specified in the dispatch or flight release as an alternate airport unless the appropriate weather reports or forecasts, or a combination thereof, indicate that the ceilings and visibilities will be at or above the alternate minimums specified in the operator's operations specifications for such airport when the flight shall arrive thereat.

§ 42.391 Continuance of flight; flight hazards; airplanes.

(a) No airplane shall be continued in flight toward any airport to which it has been dispatched or released when, in the opinion of the pilot in command, or the aircraft dispatcher (when a dispatching system is used), flight to that airport cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation as set forth in § 42.360.

(b) If any instrument or item of equipment required for an airplane pursuant to the requirements of this chapter (Civil Air Regulations) for the particular operation being conducted becomes inoperative en route, the pilot in command shall comply with the approved procedures specified in the operator's manual for such occurrences.

§ 42.392 Operation in icing conditions; airplanes.

(a) No airplane shall be dispatched or released for flight, en route operations continued, or landing made when, in the opinion of the pilot in command, or aircraft dispatcher (when a dispatching system is used), icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No airplane shall takeoff when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

§ 42.393 Original dispatch or flight release, redispach, and amendment of dispatch or flight release; airplanes.

(a) Any airport which meets the requirements of the applicable regulations

for the type of airplane to be operated may be specified as the airport of destination for the purpose of original dispatch or flight release.

(b) An airport specified as an airport of destination or an alternate therefor may be changed en route to another airport which is safe for the type of airplane being operated, provided that the appropriate requirements of §§ 42.382 through 42.409 and § 42.70 or 42.90 are met at the time of redispach or amendment of the flight release.

(c) No flight of an airplane shall be continued to the airport of destination to which it has been dispatched or released unless the weather conditions at an alternate airport specified in the dispatch or flight release are forecast to be at or above minimums specified in the operator's operations specifications for such airport when the flight shall arrive thereat: *Provided*, That the dispatch or flight release may be amended en route to include any approved alternate airport lying within the fuel range of the airplane as specified in §§ 42.396 and 42.397.

(d) When such dispatch or flight release is amended while the airplane is en route, such amendment shall be made a matter of record.

§ 42.396 Fuel supply for all operations; airplanes.

(a) *Reciprocating-engine and turbo-propeller-powered airplanes.* (1) No airplane shall be dispatched or released for flight unless it carries sufficient fuel, considering the wind and other weather conditions expected, to comply with the following:

(i) To fly to and land at the airport to which it is dispatched or released, and thereafter;

(ii) To fly to and land at the most distant alternate airport designated in the dispatch or flight release, and thereafter;

(iii) To fly for a period of at least 45 minutes at normal cruising consumption, except that, if the airplane is dispatched or released to an airport outside the continental United States (excluding Alaska), it shall carry at least 30 minutes plus 10 percent of the total time required to fly at normal cruising consumption to the airports specified in subdivisions (i) and (ii) of this subparagraph or to fly for 90 minutes at normal cruising consumption, whichever is lesser.

(2) No airplane shall be dispatched or released for flight to an airport for which an alternate is not designated under § 42.389(a) (2), unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 3 hours at normal cruising consumption.

(b) *Turbine-powered airplanes.* (1) A turbine-powered airplane (exclusive of turbopropeller-powered airplanes) may be dispatched or released for flight or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to comply with the requirements of paragraph (a) of this section. For opera-

tions outside the continental United States (and within Alaska), the airplane shall carry sufficient fuel:

(i) To fly to and land at the airport to which it is dispatched or released, and thereafter;

(ii) To fly for a period equal to 10 percent of the total time required to fly from the airport of departure to the airport to which it is dispatched or released, and land at such airport; and thereafter;

(iii) To fly to and land at the most distant alternate airport designated in the dispatch or flight release, where such alternate is required, and thereafter;

(iv) To fly for a period of 30 minutes at holding speed at 1,500 feet above the alternate airport elevation under standard temperature conditions.

(2) No airplane shall be dispatched or released to an airport for which an alternate is not designated under § 42.389(a) (2), unless it carries sufficient fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least 2 hours at normal cruising consumption.

(3) An authorized representative of the Administrator may amend the operations specifications of the operator to require fuel in excess of any of the minimums specified in this paragraph if he finds that additional fuel is necessary on a particular route in the interest of safety.

(c) *Additional airplane fuel requirements; all operations.* If the operator does not use a dispatch system in the conduct of the flights specified in paragraphs (a) and (b) of this section, a 5 percent increase in the fuel requirements specified in those paragraphs is required.

§ 42.397 Factors involved in computing fuel required; airplanes.

In computing the fuel required for an airplane, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, an instrument approach and possible missed approach at destination, and any other conditions which might delay the landing of the airplane. Required fuel shall be additional to unusable fuel.

§ 42.405 Airplane takeoff and landing weather minimums; VFR.

Irrespective of any clearance which may be obtained from air traffic control, no pilot shall take off or land an airplane under VFR when the reported ceiling or ground visibility is less than specified in paragraphs (a) and (b) of this section.

(a) For day operations: 1,000-foot ceiling and one-mile visibility.

(b) For night operations: 1,000-foot ceiling and two-mile visibility: *Provided*, That, where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for night operations may be reduced to one mile, if all turns after takeoff and prior to landing and all flight beyond a mile from the airport boundary can be accomplished above or outside the area so restricted.

§ 42.406 Airplane takeoff and landing weather minimums; IFR.

(a) Irrespective of any clearance which may be obtained from air traffic control, no pilot shall:

(1) Take off an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the operator's operations specifications for the particular airport, or

(2) Except as provided in paragraphs (c) and (d) of this section, land an airplane under IFR when the reported ceiling or ground visibility is less than that specified in Part 609 of the Regulations of the Administrator or the operator's operations specifications for the particular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest reported ceiling or visibility is less than the landing minimum specified in Part 609 of the Regulations of the Administrator or the operator's operations specifications for the particular airport.

(c) If an instrument approach procedure is initiated when the latest weather report indicates that the specified ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on PAR final approach and has been turned over to the final approach controller, such ILS, Range, or PAR approach may be continued and a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the minimums specified in the operations specifications.

(d) In addition to the increased ceiling visibility requirements prescribed in § 42.303(c), the ceiling and visibility landing minimums prescribed in the operator's operations specifications for airports shall be increased by 100 feet ceiling and ½ mile visibility whenever the pilot in command has not served 100 hours as pilot in command in operations conducted under this part, or Part 40 or 41, in the particular type of airplane being operated by him. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport.

§ 42.407 Applicability of reported weather minimums; airplanes.

In the conduct of operations subject to §§ 42.405 and 42.406, the ceiling and visibility values contained in the main body of the latest weather report shall be the controlling criteria for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport; except that when the latest weather report, including an

oral report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, such specified value shall be controlling for VFR and IFR landings and takeoffs and straight-in instrument approaches for such runway.

§ 42.403 Airplane flight altitude rules.

Notwithstanding the provisions of § 60.17 of Part 60 of this chapter (Civil Air Regulations) or other rules applicable outside of the United States, no airplane, except when necessary for takeoff and landing, shall be operated below the minimums prescribed in paragraphs (a) and (b) of this section: *Provided*, That the authorized representative of the Administrator may prescribe other minimum en route altitudes for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight requires such other altitudes.

NOTE: Minimum en route altitudes (MEA's) prescribed by the Administrator for particular routes within the United States are set forth in Part 610 of the Regulations of the Administrator. That part also contains the mountainous terrain designated by the Administrator. Outside of the United States the minimums prescribed in paragraphs (a) and (b) of this section will govern unless higher minimums are prescribed in the operator's operations specifications or by the foreign country over which the airplane is being operated.

(a) *Day VFR operations.* No airplane shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations including over-the-top.* No airplane shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous areas airplanes may be flown over an approved lighted airway at a minimum altitude of 1,000 feet above such obstacle: *And provided further*, That adherence to a flight altitude will not be required during the time a flight is proceeding in accordance with paragraph (c) of this section.

(c) *Daytime over-the-top operations below minimum en route altitudes.* Over-the-top operations with airplanes may be conducted at flight altitudes lower than the minimum en route IFR altitudes by day only and in accordance with the following provisions:

- (1) Such operations shall be conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;
- (2) The top of the lower cloud cover shall be generally uniform and level;
- (3) Flight visibility shall be at least 5 miles; and
- (4) The base of any higher broken or overcast cloud cover shall be generally

uniform and level and shall be at least 1,000 feet above the minimum en route IFR altitude for the route segment.

§ 42.409 Altitude maintenance on initial approach; airplanes.

(a) When making an initial approach to a radio navigational facility under IFR (excluding over-the-top conducted in accordance with the provisions of § 42.408(c)), an airplane shall not descend below the pertinent minimum altitude for initial approach specified by the Administrator for such facility until arrival over the radio facility has been definitely established.

(b) When making an initial approach on a flight being conducted in accordance with the provisions of § 42.408(c), a pilot shall not commence an instrument approach until arrival over the radio facility has definitely been established. In executing an instrument approach procedure under such circumstances, the airplane shall not be flown at an altitude lower than 1,000 feet above the top of the lower cloud cover or the minimum altitude specified by the Administrator for that portion of the instrument approach procedure being flown, whichever is the lower.

§ 42.410 Preparation of dispatch and flight release and flight plan; airplanes.

A dispatch or flight release shall be prepared for each flight between specified points. This release shall be signed by the pilot in command and, when the operator has an approved dispatch organization, it shall also be signed by the authorized aircraft dispatcher when it is believed the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 42.411 Preparation of load manifest; airplanes.

The operator shall be responsible for the preparation and accuracy of a load manifest form prior to each takeoff. This form shall be prepared by personnel of the operator charged with the duty of supervising the loading of airplanes and the preparation of load manifest forms or by other qualified persons authorized by the operator.

§ 42.412 VFR and IFR flight plan; airplanes.

No airplane shall be taken off unless a VFR or IFR flight plan containing the appropriate information required by Part 60 of this chapter (Civil Air Regulations) is filed by the pilot in command with the nearest FAA communications station, or appropriate military station, or when outside the United States, with the appropriate authority. In the event communications facilities are not readily available, such flight plan shall be filed as soon as practicable after becoming airborne. An IFR or VFR flight plan must thereafter be in effect for all portions of the flight.

(c) When an operator's flights are operated into military airports, the arrival or completion notice required by § 60.20 of Part 60 of this chapter (Civil Air

Regulations) may be filed with the appropriate airport control tower or aeronautical communication facility utilized for such airport.

REQUIRED RECORDS AND REPORTS

§ 42.501 Crewmember and dispatcher records; airplanes.

Each operator of airplanes shall maintain current records of every crewmember and aircraft dispatcher at its principal operations base or at such other location used by the operator as an authorized representative of the Administrator may approve. These records shall contain such information concerning the qualifications of each such crewmember and dispatcher as is necessary to show compliance with the appropriate requirements of this chapter (Civil Air Regulations); e.g., proficiency and line checks, airplane qualifications, training, physical examinations, and flight time records. The termination or other action taken in regard to any flight crewmember or aircraft dispatcher released from the employ of the operator, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the operator for at least 6 months.

§ 42.502 List of aircraft.

Each aircraft shall meet the requirements of § 42.60 and be listed in the operations specifications of the operator as required by that section.

§ 42.503 Dispatch or flight release form; airplanes.

(a) The airplane dispatch or flight release may be any form but shall contain at least the following information with respect to each flight:

- (1) Company or organization name;
 - (2) Make, model, and registration number of the airplane to be used;
 - (3) Flight or trip number, and date of flight;
 - (4) Name of each flight crewmember, flight attendant, and pilot designated as pilot in command;
 - (5) Airport of departure, airport or airports of destination and alternates therefor, and route;
 - (6) Minimum fuel supply in gallons or pounds; and
 - (7) Type of operation; e.g., IFR, VFR.
- (b) The airplane dispatch release or flight release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for airports of destination and alternate specified therein which shall be the latest available at the time the dispatch release or flight release is signed. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command or aircraft dispatcher, if utilized.

§ 42.504 Load manifest; airplanes.

(a) The load manifest shall contain at least the following information with respect to the loading of an airplane at the time of takeoff:

- (1) The weight of the—
 - (i) Airplane,
 - (ii) Fuel and oil,

- (iii) Cargo and baggage,
- (iv) Passengers, and
- (v) Crewmembers;

(2) The maximum allowable weight applicable for the particular flight which shall include:

(i) Maximum allowable takeoff weight for the runway intended to be used including corrections for altitude and gradient, and wind and temperature conditions existing at the time of takeoff;

(ii) Maximum takeoff weight considering anticipated fuel and oil consumption to permit compliance with applicable en route performance limitations;

(iii) Maximum takeoff weight considering anticipated fuel and oil consumption to permit compliance with the maximum authorized design landing weight limitations on arrival at the airport of destination; and

(iv) Maximum takeoff weight considering anticipated fuel and oil consumption to permit compliance with landing distance limitations on arrival at airport of destination and alternate(s).

NOTE: The minimum weight of subdivisions (i), (ii), (iii), and (iv) of this subparagraph less the weight of the fuel required must not exceed the maximum zero fuel weight as established in the Airplane Flight Manual.

(3) The total weight computed in accordance with approved procedures;

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits; and

(5) Names and addresses of passengers.

(b) The load manifest shall be prepared and signed for each flight by the pilot in command.

§ 42.505 Disposition of load manifest; dispatch, flight, and maintenance release forms; and flight plans; airplanes.

(a) The original signed load manifest, dispatch or flight release, maintenance release, and flight plan shall be in the possession of the pilot in command and shall be carried in the airplane to its destination.

(b) If a flight originates at the principal operations base of the operator, duplicate signed copies of the documents specified in paragraph (a) of this section shall be retained by the operator at the principal operations base. The pilot shall, before starting a flight at points other than the principal operations base, mail signed duplicate copies of the documents specified in paragraph (a) of this section to the principal operations base.

(c) Copies of the documents specified in paragraph (a) of this section shall be retained by the operator at its principal operations base for at least 6 months.

§ 42.506 Maintenance records; airplanes.

(a) Each operator of airplanes shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the

time since last inspection of all major components of the airframe, engines, propellers, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. An authorized representative of the Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An airplane component, engine, propeller, or appliance for which complete records are not available may be placed in service, provided that:

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section;

(2) Parts which are limited by an authorized representative of the Administrator or manufacturer to a specific service time are retired and replaced by new parts; and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 42.507 Maintenance log; airplanes.

A legible record shall be made in the airplane's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, engines, propellers, and appliances critical to the safety of the flight. The operator shall establish an approved procedure for retaining an adequate number of such records in the airplane in a place readily accessible to the flight crew and shall incorporate such procedure in the operator's manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe and engines.

§ 42.508 Mechanical reliability reports; airplanes.

(a) Each operator of airplanes shall report the occurrence or detection of those failures, malfunctions, or defects specified in paragraph (b) of this section. In addition, each operator shall report any other failure, malfunction, or defect which occurs or is detected at any time in an airplane or airplane component (including airplane systems, appliances, powerplants, and propellers) used by the operator when, in the operator's opinion, such failure, malfunction, or defect has endangered or may endanger the safe operation of an airplane used by the operator. The report shall be in written form covering a period of 24 hours beginning at 0900 hours local time of each day and ending at 0900 hours local time of the next day, and shall be submitted to the Federal Aviation Agency maintenance inspector assigned to the operator by 0900 hours local time of the following day: *Provided*, That reports which are due on Saturday or Sunday may be submitted on the following Monday and in case of legal holidays on the following workday.

NOTE: Failures, malfunctions, or defects reported in accordance with the accident reporting provisions of Part 320 of the Regulations of the Civil Aeronautics Board need not be included.

(b) The operator shall report each occurrence or detection of a failure, malfunction, or defect involving:

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire warning during flight;

(5) Engine exhaust systems which result during flight in damage to engine, adjacent structure, equipment, or components;

(6) An airplane component which results during flight in the accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or cabin;

(7) Engine shutdown during flight due to engine flameout;

(8) Engine shutdown during flight when external damage to the engine or to the airplane structure has occurred;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine on an airplane;

(11) Propeller feathering system or ability of the system to control overspeeding during flight;

(12) Fuel or fuel-dumping systems affecting fuel flow or causing hazardous leakage during flight;

(13) Landing gear extension or retraction or opening or closing of landing-gear doors during flight;

(14) Break system components which result in loss of brake actuating force while the airplane is in motion on the ground;

(15) Airplane structure which requires major repair;

(16) Cracks, permanent deformation, or corrosion of airplane structure which exceed the maximum limits acceptable to the manufacturer or the Federal Aviation Agency; and

(17) Airplane components or systems which result during flight in the taking of emergency actions; except that action taken to shutdown an engine need not be reported as an emergency under this provision.

NOTE: Under the provisions of this paragraph, an airplane is in flight from the moment it leaves the surface of the earth on takeoff until it touches down at a place of landing.

(c) Reports required by paragraph (a) of this section shall be transmitted in a manner and on a form convenient to the operator's system of communication and procedure, and shall include in the first daily report as much of the following information as is available:

(1) Type and identification number of the airplane, name of the operator, date, flight number, and stage during which the incident occurred; e.g., pre-flight, takeoff, climb, cruise, descent, landing, inspection;

(2) Emergency procedure effected; e.g., unscheduled landing, emergency descent;

(3) Nature of condition; e.g., fire, structural failure;

(4) Identification of part and system involved, including available information pertaining to type designation of the major component and time since overhaul;

(5) Apparent cause of trouble; e.g., wear, crack, design deficiency, personnel error;

(6) Disposition; e.g., repaired, replaced, airplane grounded, part sent to manufacturer; and

(7) Brief narrative summary of other pertinent information necessary for more complete identification, determination of seriousness, and corrective action.

(d) Reports required by paragraph (a) of this section shall not be withheld pending accumulation of all information specified in paragraphs (b) and (c) of this section. When additional information is obtained relative to the incident, including any that may be furnished by the manufacturer or other outside agency, it shall be expeditiously submitted as a supplement to the first report, referencing the date and place of submission of such report.

§ 42.509 Mechanical interruption summary report; airplanes.

Each operator of airplanes shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a flight, unscheduled changes of airplanes en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions that are not required to be included in mechanical reliability reports.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the airplane type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the airplane on which the propeller is installed. Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported.

§ 42.510 Alteration and repair reports; airplanes.

The operator shall report major alterations or repairs of airframes, engines, propellers, and appliances to the authorized representative of the Administrator assigned to the operator promptly upon completion of such alterations or repairs.

§ 42.511 Maintenance release; airplanes.

When an airplane is released by the maintenance organization to flight operations, a maintenance release certifying that the airplane is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization of the operator prior to release of such airplane.

§ 42.512 Communication records; aircraft.

An operator using a dispatch system shall maintain, and retain for a period of 30 days records of radio contacts between the operator and its pilots en route.

APPENDIX A—FIRST-AID KITS

Approved first-aid kits required by § 42.173 shall meet the following specifications and requirements.

(1) Each first-aid kit shall be dust and moisture proof, and contain only materials which meet Federal Specifications GG-K-391a, as revised.

(2) The type of first-aid kit and the contents thereof based upon the capacity of the airplane is as follows:

(a) No. 1 kit for airplanes of 1 to 5 persons capacity.

Contents	No.
Adhesive bandage compresses, 1-inch (16 per unit)-----	1
Antiseptic swabs, 10mm. (10 per unit) --	1
Ammonia inhalants, 6mm. (10 per unit)-----	1
2-inch bandage compresses (4 per unit)-----	1
4-inch bandage compresses (1 per unit)-----	1
Triangular bandage compressed, 40-inch (1 per unit)-----	2
Burn compound, 1/8 oz. (6 per unit) or equivalent amount of other burn remedy-----	1
Ophthalmic ointment, 1/8 oz. (6 per unit)-----	1

(b) No. 2 kit for airplanes of 6 to 25 persons capacity.¹

Contents	No.
Adhesive bandage compresses, 1-inch (16 per unit)-----	2
Antiseptic swabs, 10 mm. (10 per unit) --	2
Ammonia inhalants, 6mm. (10 per unit) --	1
2-inch bandage compresses (4 per unit) --	3
4-inch bandage compresses (1 per unit) --	2
Triangular bandage compressed, 40-inch (1 per unit)-----	3
Burn compound, 1/8 oz. (6 per unit) or equivalent amount of other burn remedy-----	2
Ophthalmic ointment, 1/8 oz. (6 per unit)-----	1

(c) No. 3 kit for airplanes of over 25 persons capacity.

Contents	No.
Adhesive bandage compresses, 1-inch (16 per unit)-----	4
Antiseptic swabs, 10mm. (10 per unit) --	4
Ammonia inhalants, 6mm. (10 per unit) --	2
2-inch bandage compresses (4 per unit) --	3
4-inch bandage compresses (1 per unit) --	3
Triangular bandage compressed, 40-inch (1 per unit)-----	5
Burn compound, 1/8 oz. (6 per unit) or an equivalent amount of other burn remedy-----	2
Ophthalmic ointment, 1/8 oz. (6 per unit)-----	1

¹Kit No. 2 in canvas may also be used on life rafts.

[F.R. Doc. 62-8424; Filed, Aug. 21, 1962; 8:49 a.m.]

14 CFR Part 627

[Reg. Docket No. 1345; Draft Release No. 62-38]

STANDARDS FOR AERONAUTICAL CHARTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part

405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal for the adoption of Part 627 of the regulations of the Administrator as hereinafter set forth.

Section 307(b) (3) of the Federal Aviation Act provides that the Administrator is authorized, within the limits of available appropriations made by the Congress to arrange for publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation utilizing the facilities and assistance of existing agencies of the Government so far as practicable. Section 311 of the Federal Aviation Act empowers and directs the Administrator to collect and disseminate information relative to civil aeronautics and to exchange with foreign governments, through appropriate governmental channels, information pertaining to civil aeronautics. Section 313(a) of the Federal Aviation Act empowers the Administrator to perform such acts, to conduct such investigations, to issue and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of the Act, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under the Act.

The increasing complexity of the airspace structure and the air traffic control system environment is reflected in the constantly increasing amount of flight information which the pilot must have while planning and conducting flight operations. In order to function safely and efficiently within the system, the pilot must be reliant upon the accuracy and completeness of the information which is available to him in the form of aeronautical charts. Aeronautical charts constitute the primary reference for information necessary and available to both the pilot and the air traffic controller. Therefore, safety requires that certain standards of accuracy, currentness, completeness, adequacy and clarity of presentation be established to ensure that aeronautical charts properly aid in the safe and efficient movement of aircraft.

The safe, orderly and expeditious movement of IFR air traffic is dependent on mutual understanding and cooperation between the pilot and controller. Aeronautical charts, recognized by the Federal Aviation Agency (FAA) as an integral part of the pilot's operating equipment, serve as the primary reference for information necessary for pilot-controller coordination.

Current, complete and accurate basic information essential to the safe conduct of any flight must be shown. Supplemental information peculiar to certain operations may be added. With respect to this supplemental data, it is incumbent upon the pilot to assure the aeronautical information shown on aeronautical charts fulfill his individual operational requirements.

Producers of aeronautical charts cannot certify as to the validity of all information sources. However, in complying with the standards herein the producer must certify as to the accuracy,

currency and completeness of his portrayal of source material.

It is not the intention of these standards to restrict the addition of supplemental information or to prescribe format or method of portrayal of data, nor is there any intent to stifle experimentation or improvement in the method of portraying navigational information to the pilot.

The proposed Part 627—Standards for Aeronautical Charts, would establish standards for aeronautical charts for flight planning and operation of aircraft in the United States under Instrument Flight Rules (IFR) conditions. The basis for the standards contained herein are the FAA production specifications for the En Route Low, Intermediate and High (Jet Routes) Altitude Charts.

Comments concerning this proposal may be submitted in duplicate to the Docket Section of the Federal Aviation Agency, 1711 New York Avenue NW., Room A-103, Washington 25, D.C., prior to October 22, 1962.

PART 627—STANDARDS FOR AERONAUTICAL CHARTS

Subpart A—General

Sec.	
627.1	Basis and purpose.
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627.14	Terminal charts.

Subpart A—General

§ 627.1 Basis and purpose.

(a) The basis of this part is contained in sections 307(b) and 601(a) of the Federal Aviation Act of 1958.

(b) *Purpose.* The purpose of this part is to prescribe standards for aeronautical charts for flight planning and operation of aircraft in accordance with instrument flight rules in the United States, and to prescribe the manner by which the producer must show compliance with these standards. This is to insure the accuracy, currentness and completeness of aeronautical charts. The standards do not apply to strategic or tactical charts designed primarily for military use, including training.

§ 627.2 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Aeronautical Charts" means the cartographic medium by which the pilot is furnished information for air navigation.

(b) "IFR Charts" means the cartographic medium by which the pilot is furnished information to navigate and operate under Instrument Flight Rule conditions. Charts in this category include the following:

(1) "En Route Charts" means an En Route Radio Navigation Chart produced to facilitate en route navigation in accordance with Instrument Flight Rules utilizing radio aids to navigation.

(2) "Terminal Area Charts" means all Area Arrival and Departure Charts, Standard Instrument Departure Charts and Instrument Approach Procedure Charts designed solely for operations within a terminal area.

(i) "Area Arrival and Departure Charts" means all area charts produced primarily to facilitate IFR transitions between the en route and terminal phases of flight at selected airports.

(ii) "Standard Instrument Departure Charts" means all charts produced for the purpose of providing a graphic presentation of standard instrument departure clearances and procedures.

(iii) "Instrument Approach Procedure Charts" means all charts produced for the purpose of providing a graphic presentation of a Standard Instrument Approach Procedure.

(c) "United States" means the several states, the District of Columbia, and the several Territories and Possessions of the United States, including the territorial waters and the overlying airspace thereof.

(d) "Deviation" means the omission of any data required by this standard or any error determined by the Director, Air Traffic Service as compromising flight safety. The significance of the infraction may be categorized either as major or minor.

(e) "Notice of Major Deviation (NMD)" is a written notice advising a producer that a major deviation from the standards established herein exists with reference to his product.

(f) "Notice of Deviation (NOD)" is a written notice by the Director, Air Traffic Service, advising the producer of minor omissions or errors with reference to his product.

(g) "Scheduled FAA Airspace Amendments" means airspace assignments or revisions thereof, and designations of reporting points that become effective on a regular four-week cycle.

(h) "Arrival/Departure Routes" means those routes in terminal areas established by the Federal Aviation Agency for charting.

(i) "Standard Instrument Departure Routes" means those departure routes in terminal areas established by the Federal Aviation Agency for charting which have been assigned a code name and textual description for simplification of departure clearances and relay and delivery procedures.

§ 627.3 Method of conformance.

(a) A producer of aeronautical charts for which standards are established shall, prior to distribution of the first edition of any such charts for use, furnish a written statement of conformance certifying, by title, that the charts meet the applicable standards established in this Regulation. A copy of the charts shall accompany this statement. The statement of conformance shall be signed by a person duly authorized by the producer and shall be furnished to the Director, Air Traffic Service, Federal Aviation Agency (FAA), Washington, D.C. This original statement of conformance is applicable to succeeding editions of the chart unless, prior to distribution of such later edi-

tion, the producer advises the Director to the contrary. Further charts shall be submitted only if there is a major change in content, such as the addition of another route strata to a chart or the addition of topographic detail not previously shown.

(b) If complaints of nonconformance with the requirements of this regulation are brought to the attention of the FAA and investigation of the charts involved indicates that such complaints are justified, the FAA, Director, Air Traffic Service, shall take appropriate action to prohibit or restrict the use of such charts in the United States. The producer shall not mark any further charts as indicated in § 627.4 below until the condition is corrected. Appropriate action may include Notice of Major Deviation (NMD) or Notice of Deviation (NOD).

(c) When a Notice of Major Deviation is received by a producer, he shall notify his users of the major deviation by the most expedient means and supply the proper data immediately after receipt of the notice.

(d) When a Notice of Deviation is received by a producer, he shall correct such deviations on the next scheduled publication.

§ 627.4 Marking.

(a) Aeronautical charts for which a statement of conformance has been submitted shall be legibly and permanently marked with

(1) the name and address of the producer responsible for the compliance, and

(2) the certification, "Conforms with FAA Part 627—Standards for Aeronautical Charts."

(b) A chart producer shall not mark any such charts as required in paragraph (a) of this section unless he has complied with the method of conformance stated in § 627.3(a).

(c) No note shall be added to charts which may be construed as noncertification by a producer as to the accuracy and currency of the chart content produced in conformance with these standards.

Subpart B—Standards—IFR Charts

§ 627.10 Applicability.

The standards specified herein shall apply to charts produced primarily for use by pilots operating aircraft in the United States under Instrument Flight Rules.

§ 627.11 General.

(a) Charts other than Standard Instrument Departure Charts and Instrument Approach Procedure Charts shall depict all applicable designated airspace, related data and other regulatory actions within prescribed vertical limits of each chart series as contained in the following parts of the Regulations of the Administrator, FAA:

1. Part 600—Designation of Federal Airways.
 - Subpart B—Colored Federal Airways.
 - Subpart C—Intermediate Altitude VOR Federal Airways.
 - Subpart D—Low Altitude VOR Federal Airways.

2. Part 601—Designation of Controlled Airspace, Reporting Points, Positive Control Route Segments, and Positive Control Areas.

Subpart B—Low Altitude Colored Federal Airway Control Areas.

Subpart C—Control Area Extensions.

Subpart D—Control Zones.

Subpart E—Low Altitude Colored Federal Airway Reporting Points.

Subpart F—Low Altitude VOR Federal Airway Control Areas.

Subpart G—VOR Federal Airway Reporting Points.

Subpart H—Continental Control Area.

Subpart I—Designated Positive Control Route Segments.

Subpart J—Designated Positive Control Areas.

3. Part 602—Designation of Jet Routes, Jet Advisory Areas and High Altitude Navigational Aids.

Subpart B—Jet Routes.

Subpart C—Jet Advisory Areas.

4. Part 608—Special Use Airspace.

Subpart B—Restricted Areas.

5. Part 610—Minimum En Route IFR Altitude.

Subpart E—Minimum En Route and IFR Altitudes over Particular Routes and Intersections.

6. Part 620—Security Control of Air Traffic.

Subpart C—Designated Air Defense Identification Zones.

Appendix B—Air Defense Identification Zones and Defense Areas.

(b) All IFR charts shall be appropriately titled and shall indicate currency of data depicted and effective dates of chart if applicable. Each chart series shall provide for a legend portraying data that is not self-explanatory.

(c) All federally-operated radio aids to navigation utilized for control of traffic within the specific altitude airway/air route structure shall be shown on all IFR charts. Military aids for which military agencies or FAA indicate an operational requirement shall be included. All aids shall be appropriately identified by type (symbol), name, identification and frequency. Non-federal radio aids to air navigation shall also be shown if the FAA has approved the facility for use for en route flight or a standard instrument approach procedure has been approved and the procedure has been published in Part 609 of this chapter.

NOTE: All nonfederal aids shall be identified as such.

(d) All Prohibited, Warning Areas, and Intensive Student Jet Training Areas shall be shown on all applicable charts within the vertical limits of the affected airspace and shall be identified by number. Effective altitude, time of use and controlling agency or using agency, if applicable, shall be shown on all IFR Charts. The controlling agency or using agency of Restricted Areas shall also be shown. When such areas cannot be shown in detail on the face of the chart, the detailed information shall be tabulated on each chart.

(e) All geographic information shall be plotted to indicate its true position except where deliberate distortion or displacement is a function design feature of the chart. In normal practice should it become necessary to displace symbols from their true geographical position for

purposes of clarity, preference of location shall be given to radio facilities upon which an airway or control function is predicated.

§627.12 Quality.

All charts produced in accordance with this regulation shall meet the standards associated with accepted cartographic practices. Aeronautical charts shall be so designed and produced as to adequately provide information required by the pilot for safe and efficient air navigation. An aeronautical chart shall provide clear, accurate, reliable and current information. Care shall be taken to ensure the general utility of the chart. Special consideration shall be given to legibility and scale with respect to the size of the charts. The size of the chart shall be such that it can be comfortably handled in the cockpit while still portraying all required information. The quality of the graphic medium and color usage shall be chosen to ensure adequate durability and maximum visibility under varying cockpit conditions.

§ 627.13 En Route Charts.

En Route Charts produced for the various airways/jet route structures shall contain the airspace data as contained under § 627.11 applicable to individual chart series.

(a) *Currentness.* An En Route Chart shall be revised and reissued by the producer:

(1) Whenever changes occur to the airway system which would render the chart ineffective in that area and which could not adequately be described otherwise prior to any schedule chart revision;

(2) On scheduled airspace amendment dates when the nature of the amendment will seriously influence the chart utility and the absence thereof may be construed as a major deviation or;

(3) If required in taking corrective action following the issuance of a Notice of Major Deviation.

At least every four weeks the producer shall provide the user with a schedule or list of current charts.

(b) *Content of En Route Charts.* (1) Distances in the airway and route structures shall be shown in nautical miles between facilities, compulsory reporting points, noncompulsory reporting points and other fixes (mileage breakdown points) that may be utilized in the control of air traffic.

(2) All times shall be Greenwich Mean Time (GMT), other than those times printed in local time to coincide with those times published in Parts 601 and 608.

(3) The following magnetic bearings and radials shall be shown:

(i) The centerline radial of VOR airways.

(ii) The inbound bearings of all L/MF range courses on the low altitude charts.

(iii) The centerline inbound bearing of L/MF airways except where an L/MF range course lies within 5 degrees of airway centerline.

(iv) An index for all charts in a series shall be provided.

(v) Aerodromes shall be shown which are appropriate to the particular opera-

tion of the aircraft including destinations, alternates, and appropriate emergency fields.

(vi) The boundaries of Air Route Traffic Control Center Areas; Flight Information Regions; Upper Information Regions; Oceanic Control Areas, and International Boundaries, appropriately identified, shall be shown.

(vii) VOR changeover points shall be shown on all route segments except in those instances when the changeover point is established by FAA at midpoint (± 1 mile low altitude; ± 2.5 miles medium and high altitude).

(viii) Noncompulsory reporting points shall be shown, identified by name and appropriate reporting point symbol.

(ix) 9. A visual reference to the facilities which form intersections that are reporting points shall be shown when such are not obvious.

(x) 10. Minimum Reception Altitude shall be shown when higher than Minimum En Route Altitude.

(xi) Altimeter setting data shall be shown on those border or coastal charts depicting geographical areas wherein standard altimeter settings are used.

(xii) Tabulation of en route air/ground voice communication frequencies associated with flight service stations (FSS) when all standard en route frequencies are not available shall be shown.

(xiii) ARTC Area Discrete Frequencies shall be shown.

§ 627.14 Terminal Charts.

(a) *Area Arrival Charts.*—(1) *Currentness.* Area Arrival Charts shall be revised and reissued by the producer:

(i) Whenever changes occur to the airway system which would render the chart ineffective in that area and which could not adequately be described otherwise prior to any schedule chart revision;

(ii) On scheduled airspace amendment dates when the nature of the amendment will seriously influence the chart utility and the absence thereof may be construed as a major deviation or;

(iii) If required in taking corrective action following the issuance of a Notice of Major Deviation.

At least every four weeks the producer shall provide the user with a schedule or list of current charts.

(2) *Content of Area Arrival Charts.* (i) The low altitude route structure with distances in nautical miles between compulsory reporting points, noncompulsory reporting points and other fixes (mileage breakdown points) that may be utilized in the control of air traffic shall be depicted.

(ii) Arrival routes as determined by the FAA shall be shown.

(iii) The magnetic bearings of the centerline of low altitude airways, the inbound bearings of all L/MF range courses, the inbound bearings of all ILS systems, and other magnetic bearings and radials between fixes normally used for air traffic control service shall be shown.

(iv) All radio navigation aids associated with the Low Altitude Airways system and any other navigation aids associated with transition and landing procedures shall be shown.

(v) All holding patterns established by the FAA for charting purposes shall be indicated. If DME holding patterns are depicted, mileages shall be shown.

(vi) Minimum En Route IFR altitudes shall be shown.

(vi) Airports, within chart limits, shall be shown having 3,000' hard surfaced runways and for which a Standard Instrument Approach Procedure has been published in Part 609, Regulations of the Administrator.

(vii) At least one segment of every medium or high altitude route required for transition to the normally used arrival routes shall be shown. This segment shall include the appropriate navigational aid defining the medium or high altitude route prior to the route terminating fix; the identification and frequency of the navigational aid; the medium and high altitude airway designation; the mileage from the navigational facility to the transition fix; the magnetic bearings of the centerlines of the airways.

(viii) Terminal area air/ground communication frequencies required for transition and arrival purposes shall be shown.

(b) *Area Departure Charts*—(1) *Currentness*. Area Departure Charts shall be revised and reissued by the producer:

(i) Whenever changes occur to the airway system which would render the chart ineffective in that area and which could not adequately be described otherwise prior to any schedule chart revision;

(ii) On scheduled airspace amendment dates when the nature of the amendment will seriously influence the chart utility and the absence thereof may be construed as a major deviation or;

(iii) If required in taking corrective action following the issuance of a Notice of Major Deviation.

At least every four weeks the producer shall provide the user with a schedule or list of current charts.

(2) *Content of Area Departure Charts*. (i) The low altitude route structure shall be shown with distances in nautical miles between compulsory reporting points, noncompulsory reporting points and other fixes (mileage breakdown points) that may be utilized in the control of air traffic.

(ii) Departure routes as determined by the FAA shall be depicted.

(iii) The magnetic bearings of the centerline of low altitude airways, the inbound bearings of all L/MF range courses and other magnetic bearings between fixes normally used for air traffic control service shall be shown.

(iv) All radio navigation aids associated with the Low Altitude Airways system and any special navigation aids associated with departure and transition procedures shall be shown.

(v) Minimum En Route IFR altitudes shall be shown.

(vi) At least one segment of every medium or high altitude route required for transition to these route structures shall be shown. This segment shall include the appropriate navigational aid defining the medium or high altitude route from the transition fix to the aid, the identification and frequency of the navigational aid, the medium and high altitude airway designation, the mileage from the transition fix to the pertinent navigational aid and the magnetic bearings of the centerlines of the airways.

(vii) Terminal area air/ground communication frequencies required for departure and transition purposes shall be shown.

(c) *Standard Instrument Departure Charts (SIDs)*—(1) *Currentness*. Standard Instrument Departure Charts (SIDs) shall be revised and reissued by the producer:

(i) When a Notice of Major Deviation has been issued to him by the FAA or;

(ii) When a revision to the SID is required by a change in the text of the SID or by a change in the route structure involved.

(2) *Content of SID Charts*. (i) A graphic portrayal of the Standard Instrument Departure routes and all associated data shall be shown.

(ii) Textual descriptions of each route which enable the pilot to conform with procedures shall be shown.

(iii) Route identification of each SID by title shall be shown.

(iv) Where applicable those standard departure instructions pertaining to the runway in use shall be shown.

(v) Textual instructions shall be shown for transition from the low altitude structure to the intermediate and high altitude systems where applicable.

(vi) At least one segment of every medium or high altitude route required for transition to these route structures shall be depicted. This segment shall include the appropriate navigational aid defining the medium or high altitude route from the transition fix to the aid, the identification and frequency of the navigational aid, the medium and high altitude airway designation, the mileage from the transition fix to the pertinent navigational aid and the magnetic bearings of the centerlines of the airway segments.

(d) *Area Departure-SID Charts*—(1) *Currentness*. Area Departure-SID Charts shall be revised and reissued by the producer:

(i) When a Notice of Major Deviation has been issued to him by the FAA;

(ii) When a revision to the SID is required by a change in the text of the SID or by a change in the route structure involved or;

(iii) When a normally used departure route other than a SID is introduced, amended or eliminated.

(2) *Content of Area Departure-SID Charts*. (i) All the information required on the SID charts in paragraph (c) of this section shall be shown.

(ii) Normally used departure routes other than SIDs from the airports to the appropriate transition fix, including magnetic bearings, required navigational aids, mileages and established minimum IFR en route altitudes shall be shown. A graphic distinction will be made between SIDs and other normally used departure routes.

(e) *Instrument Approach Procedure Charts (ALs)*—(1) *Currentness*. Instrument Approach Procedure Charts, which are published on a nonscheduled basis, shall be reissued immediately whenever changes occur in procedural data or appropriate minimums. Whenever changes in communication data or navigation frequency information occur, the appropriate instrument approach procedure charts shall be updated. A notice of current revisions shall be transmitted to subscribers at least once a month.

(2) *Content of Instrument Approach Procedure Charts*. The Instrument Approach Procedure Charts shall be graphic displays of an approved instrument approach procedure and the pertinent information necessary to safely execute instrument approaches and landings. All AL Charts depicting instrument approach procedures published in Part 609, regulations of the Administrator (14 CFR 609), shall portray the following information:

(i) *Procedural data*. (a) The let-down track.

(b) Pertinent altitudes, bearings, missed approach procedures and all other pilot advisory information published on the Standard Instrument Approach Procedure (Form 511).

(ii) *Navigation aids*. (a) All navigational aids, including name, identifier, and frequency on which the letdown procedure is predicated.

(b) Other navigation aids as may be required for transition.

(iii) *Airports*. (a) Airport diagram of the airport for which the procedure is established. Airport elevation and elevation of obstructions on airport.

(iv) *Minimums*. (a) Straight-in, circling, takeoff and alternate minimums.

(v) *Radio communication data*. (a) All appropriate radio communication frequencies concerning all air traffic control facilities responsible for authorizing and controlling instrument approaches and landings.

(vi) *Other*. (a) Holding patterns that are a part of the approach procedure.

(b) Elevation of obstructions other than at the airports.

Issued in Washington, D.C., on August 14, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-8408; Filed, Aug. 21, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

AUGUST 13, 1962.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050114, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. The applicant desires the land to preserve Natural Areas for purposes of science, research, and education in furtherance of the McSweeney-McNary Act of May 28, 1928 (45 Stat. 699) as amended.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

INYO NATIONAL FOREST MONO COUNTY

Harvey Monroe Hall Natural Area

- T. 1 N., R. 24 E.,
Sec. 1: Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 2: All;
Sec. 3: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 10: E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13: N $\frac{1}{2}$, SE $\frac{1}{4}$.
Sec. 14: E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 2 N., R. 24 E.,
Sec. 34: E $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 35: W $\frac{1}{2}$.

The areas described above aggregate approximately 3,706.30 acres.

MOUNT DIABLO MERIDIAN

MODOC NATIONAL FOREST MODOC COUNTY

Devils Garden Natural Area

- T. 46 N., R. 12 E.,
Sec. 28: W $\frac{1}{2}$;
Sec. 29: E $\frac{1}{2}$;
Sec. 32: N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 33: N $\frac{1}{2}$ NW $\frac{1}{4}$.

The areas described above aggregate approximately 800 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands are relieved of the segregative effect of the above-mentioned application at 10:00 a.m., September 14, 1952.

The lands terminated are:

MOUNT DIABLO MERIDIAN

- T. 1 N., R. 24 E.,
Sec. 1: Lots 1 and 2;
Sec. 12: NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ -
SE $\frac{1}{4}$.
T. 2 N., R. 24 E.,
Sec. 34: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ -
SW $\frac{1}{4}$.
T. 1 N., R. 25 E.,
Sec. 6: Lots 33, 34, 35, and 36;
Sec. 7: Lots 27, 28, 29, 30, 33, 34, 35, and 36;
Sec. 18: Lots 25, 26, 27, 28, 29, 30, 31, 32,
33, 34, 35, 36, 37, 38, 39, 40.
T. 46 N., R. 12 E.,
Sec. 28: E $\frac{1}{2}$;
Sec. 32: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 33: NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$.

The above-described area aggregates approximately 3,188.38 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below for the reason that these lands are included in the United States Department of Agriculture Withdrawal Sacramento 050712 of lands from prospecting, location, entry and purchase under the mining laws, subject to existing valid claims. Therefore pursuant to the regulations contained in Title 43, Code of Federal Regulations, Part 295, such lands will be at 10:00 a.m., on September 14, 1962, relieved of the segregative effect of Application Sacramento 050114:

- T. 1 N., R. 25 E., M.D.M.,
Sec. 7: NE $\frac{1}{4}$ Lot 29, S $\frac{1}{2}$ Lot 29.

The above described area aggregates approximately 27.38 acres.

[SEAL] WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-8413; Filed, Aug. 21, 1962;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8870, between Lykes Bros. Steamship Co., Inc. and Waterman Steamship Corporation (American-flag

carriers) and Osaka Shosen Kaisha, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui Steamship Co., Ltd., Nippon Yusen Kaisha and Shinnihon Steamship Co., Ltd. (Japanese-flag carriers), operating in the trade from Japan to U.S. Gulf ports, covers an arrangement under which such carriers agree to form a pool whereby the American-flag carriers and the Japanese-flag carriers, each as a group, will pool all revenue carryings in such trade. The agreement provides that (1) said agreement shall cover a period of five years subject to renegotiation and extension as set forth therein; (2) for the initial period of one year (October 1, 1962 to and including September 30, 1963) the share of the American-flag carriers shall be 30 percent and that of the Japanese carriers shall be 70 percent; (3) at the end of the first pool year, adjustments shall be made by a minimum of two percentage points per year which will increase the American-flag percentage of the carryings of the two groups, it being agreed that any increase in freight revenue earned by the American-flag group and the Japanese-flag group compared to average total revenue earned by the two groups during the years 1959, 1960 and 1961 will be shared 20 percent to the Japanese-flag group and 80 percent to the American-flag group but with a maximum increase to the American-flag group of 4 percent per year; (4) it is the understanding of both the American-flag carriers and the Japanese-flag carriers that it is their desire that all conference lines operating in the trade covered by this agreement, regardless of flag should be a party to the pool arrangement, that said group of carriers shall negotiate as a unit with third-flag carriers to arrange a reasonable share of the trade for the said third-flag group, it being the intention of all parties to negotiate the share of the third-flag carriers on the basis of their past performance over a period of years and to include all members of the Japan-Atlantic & Gulf Freight Conference in the overall pool; and (5) a committee comprising the American-flag and the Japanese-flag carriers (groups) will immediately proceed to work out a full pooling arrangement to include all technical details of operations within the framework of the terms and conditions set forth in this agreement, any such further agreements to be subject to approval by the Federal Maritime Commission pursuant to section 15 of the Shipping Act, 1916, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval,

or modification, together with request for hearing should such hearing be desired.

Dated: August 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 62-8433; Filed, Aug. 21, 1962;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-13496, etc.]¹

ATLANTIC REFINING CO.

Order Conditionally Accepting Proposed Offer of Settlement, Severing and Terminating Certain Proceedings, Severing and Terminating Other Proceedings in Part, and Providing for Refunds

AUGUST 15, 1962.

On July 9, 1962, The Atlantic Refining Company (Atlantic) submitted an Offer of Settlement, pursuant to § 1.18(e) of the Commission's rules of practice and procedure, in the proceedings listed in Appendix A hereto.²

The subject dockets relate to rate proceedings arising from proposed increased rates, tendered for filing pursuant to section 4 of the Natural Gas Act, for the sale of jurisdictional gas to Texas Eastern Transmission Corporation (Texas Eastern) from Texas Railroad Commission Districts Nos. 1, 2, 3, 4, and 6. All of the proposed increased rates were suspended and subsequently placed in effect subject to refund.³

In its Offer of Settlement, Atlantic states: if it is permitted to charge and collect, effective the date of the order of acceptance, (1) a rate of 14.6 cents per Mcf under its FPC Gas Rate Schedules Nos. 1, 141, and 142, (2) a rate of 13.8733 cents per Mcf under its FPC Gas Rate Schedules Nos. 34,⁴ 35, 36, 37, 38, 134, 160,⁴ and 161, (3) a rate of 15.0 cents per Mcf for the duration of the contract covered by its FPC Gas Rate Schedule No. 136, and (4) if the rate suspension proceedings related to these rate schedules are terminated, Atlantic (1) will eliminate the favored nation and price redetermination clauses from the contracts covered by its FPC Gas Rate Schedules Nos. 1, 141, and 142, and will substitute

clauses in such contracts permitting periodic increases of 1.0 cent per Mcf every five years beginning November 1, 1963, (2) will eliminate favored nation and/or price redetermination clauses from the contracts covered by its FPC Gas Rate Schedules Nos. 34, 35, 36, 37, 38, 134, 160, and 161, and will substitute in such contracts clauses permitting periodic increases of 0.5 cent per Mcf every five years beginning February 5, 1963; (3) will eliminate the favored nation and the periodic increase clauses from the contract covered by its FPC Gas Rate Schedule No. 136, and (4) will refund all money, plus interest, collected in excess of the proposed settlement rates under the subject rate schedules.

Texas Eastern has concurred in the Offer of Settlement and has agreed, in the event the offer is accepted by the Commission, to make the contract changes or amendments provided in the offer. No objections to the proposed settlement have been received from intervenors or other interested parties.

Since the proposed settlement rates under Atlantic's FPC Gas Rate Schedules Nos. 1, 34, 35, 36, 37, 134, 136, 141, 142, 160 (with respect to the sale of gas from Texas Railroad Commission District No. 2) and 161 are acceptable under the provisions of the Second Amendment of the Commission's statement of general policy No. 61-1,⁵ issued December 20, 1960, for the jurisdictional sale of natural gas for Texas Railroad Commission Districts 2, 3, 4, and 6, and since the proposed settlement rate under Atlantic's FPC Gas Rate Schedule No. 38 does not exceed the applicable area price level for the jurisdictional sale of natural gas for Texas Railroad Commission District No. 1, as set forth in the Commission's Statement of General Policy 61-1,⁵ issued September 28, 1960, it appears that the public interest will be best served by accepting Atlantic's proposed Offer of Settlement with respect to these rate schedules.

However, since the proposed settlement rate for gas delivered from the Loma Alta Field, McMullen County, Texas (Texas Railroad Commission District No. 1) under Atlantic's FPC Gas Rate Schedule No. 160 is a base rate of 13.8733 cents per Mcf plus a 0.5 cent per Mcf allowance for dehydration and gathering, it exceeds the 14.0 cents per Mcf area price level, as set forth in the Commission's statement of general policy 61-1,⁵ issued September 28, 1960. Therefore, as a condition to accepting the offer of Settlement, the allowance for dehydration and gathering of the gas which Atlantic delivers from Texas Railroad Commission District No. 1 under its FPC Gas Rate Schedule No. 160 shall be reduced from 0.5 cent per Mcf to an allowance of 0.1267 cent per Mcf. The net effect of such condition will be to reduce the proposed settlement rate to a level not in excess of the applicable area ceiling.

As set out in Appendix A (see footnotes 6 thru 9), seven of the rate suspension proceedings also relate to Atlantic rate schedules other than those

covered by the Offer of Settlement; therefore, termination of these seven proceedings shall be with respect to only those rate schedules covered by the Offer of Settlement.

As further set out in Appendix A (footnotes 1 and 2), all of the rate suspension proceedings have been consolidated with the proceedings in Docket No. G-9283, et al., by order issued September 23, 1960, or in the proceedings in Docket No. AR61-2, et al., by orders issued May 10, 1961 and May 15, 1962.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in Atlantic's July 9, 1962 Offer of Settlement, as hereinafter modified, is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act and should be conditionally approved and conditionally made effective subject to the modifications, terms and conditions ordered.

(2) Good cause exists for disallowing all increased rates in excess of the settlement rates, for severing and terminating certain proceedings, for severing and terminating certain other proceedings in part, and providing for refunds.

The Commission orders:

(A) The Offer of Settlement filed by Atlantic on July 9, 1962, is hereby conditionally approved and conditionally made effective the date of the issuance of this order, subject to the following modifications, terms and conditions.

(B) Atlantic shall execute with Texas Eastern amendments to the gas purchase contracts covered by Atlantic's FPC Gas Rate Schedules Nos. 1, 34, 35, 36, 37, 38, 134, 136, 141, 142, 160, and 161, in order to implement the provisions of the Offer of Settlement, as modified in accordance with paragraph (C) below.

(C) Atlantic shall execute with Texas Eastern an amendment to the gas purchase contract covered by Atlantic's FPC Gas Rate Schedule No. 160, similar to that submitted with its Offer of Settlement, with the exception that the allowance for dehydration and gathering of gas delivered from the Loma Alta Field, McMullen County, Texas (Railroad Commission District No. 1) shall be reduced from 0.5 cent per Mcf to an allowance of 0.1267 cent per Mcf.

(D) Within 90 days from the date of issuance of this order, Atlantic shall file with the Commission as supplements to its FPC Gas Rate Schedules Nos. 1, 34, 35, 36, 37, 38, 134, 136, 141, 142, 160, and 161, the executed agreements to be made with Texas Eastern pursuant to paragraphs (B) and (C) above.

(E) The settlement rates which are set out in Appendix A, attached hereto as a part of this order, are conditionally approved and conditionally made effective as of the date of the issuance of this order. All proposed rates filed in the proceedings listed in Appendix A, which are in excess of the settlement rates, are disallowed.

(F) Within 90 days of this order Atlantic shall refund to Texas Eastern the difference between the amounts collected subject to refund and the settlement rates, together with simple interest, as specified in each docket, from the respec-

¹Additional proceedings involved in this order are listed in Appendix A hereto.

²Atlantic included in its list of proceedings covered by the Offer of Settlement, G-11202, G-11259, G-11312, and G-11365. These proceedings were terminated prior to the time of the filing of the Offer of Settlement, and, therefore, are not covered by this order.

³In its Offer of Settlement, Atlantic stated that it had filed just prior to the filing of the Offer of Settlement, supplements to its FPC Gas Rate Schedules Nos. 34 and 38, providing for increases in rate to 13.8733 cents per Mcf. Atlantic has subsequently informed the Commission that this statement was in error.

⁴Under Atlantic's FPC Gas Rate Schedules Nos. 34 and 160 there is an additional allowance of 0.5 cent per Mcf for dehydration and gathering.

⁵18 CFR, Chapter 1, Part 2, § 2.56.

tive dates of receipt of the excess amounts by Atlantic to the dates of refund. Atlantic shall bear all costs incidental to the making of such refunds.

(G) Within 90 days from the date of the issuance of this order, Atlantic shall report to the Commission in writing and under oath the details of its calculations resulting in refunds ordered pursuant to paragraph (F) above, together with a copy of a release from Texas Eastern with respect to such refunds.

(H) Upon full compliance by Atlantic with all of the terms and conditions of this order and acceptance of the filings made pursuant hereto, the proceedings listed in Appendix A hereto are severed from the proceedings in Docket No. G-9283, et al., or Docket No. AR61-2, et al., whichever is applicable, and are hereby terminated: *Provided, however*, That part of each proceeding listed in Appendix A hereto which does not re-

late to a rate schedule covered by the Offer of Settlement (see Appendix A, footnotes 6 thru 9) is not severed or terminated, but is continued in full force and effect.

(I) Atlantic shall, over the signature of a responsible officer, file with the Commission within 30 days from the date of issuance of this order, in writing and under oath, an original and one copy of its acceptance or rejection of the terms, and conditions of this order.

(J) The acceptance of this Offer of Settlement is without prejudice to any findings or determinations that may be made in any proceedings which are presently being heard, or in any proceedings now pending, or hereinafter instituted by or against Atlantic.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	FPC Gas Rate Schedule No.	Rate Schedule Supplement No.	Texas R.R. District No.	Suspended rate (14.65 psia)	Date effective subject to refund	Settlement rate (14.65 psia) ¹¹
G-13496 ^{1 10}	142	14	3	14.4	4-1-53	14.6
G-13499 ¹	1	7	6	14.4	4-1-53	14.6
	136	3	6	14.4	4-1-53	15.0
	141	9	3	14.4	4-1-53	14.6
G-15233 ¹	35	15	2	13.8733	11-15-53	13.8733
	37	12	2	13.8733	11-15-53	13.8733
G-15234 ^{1 10}	36	13	2	13.8733	11-15-53	13.8733
G-15412 ¹	34	22	2	14.7	12-14-53	14.3733
G-16647 ^{1 6 10}	136	4	6	14.6	4-1-59	15.0
G-16648 ¹	1	8	6	14.6	4-1-59	14.6
	141	11	3	14.6	4-1-59	14.6
	142	18	3	14.6	4-1-59	14.6
G-18752 ^{1 10}	134	6	2	13.8733	11-18-59	13.8733
	161	5	2	13.8733	11-18-59	13.8733
G-18753 ^{1 10}	160	11	1 and 2	13.8733	11-18-59	13.8733
G-19536 ^{1 2 7}	1	9	6	14.8	4-1-60	14.6
	141	12	3	14.8	4-1-60	14.6
G-19537 ^{1 6 10}	136	5	6	14.8	4-1-60	15.0
	142	19	3	14.8	4-1-60	14.6
RI61-S ¹	34	23	2	15.4444	12-21-60	14.3733
	35	16	2	14.9444	12-21-60	13.8733
	37	13	2	14.9444	12-21-60	13.8733
	38	11	1 and 4	14.9444	12-21-60	13.8733
	161	6	2	14.9444	12-21-60	13.8733
	134	7	2	14.9444	12-21-60	13.8733
RI61-9 ^{1 10}	36	14	2	14.9444	12-21-60	13.8733
	160	6	1 and 2	14.9444	12-21-60	13.8733
RI61-128 ^{2 6 10}	136	20	3	15.0	4-1-61	15.0
	142	10	6	15.0	4-1-61	14.6
RI61-131 ^{2 6}	1	13	3	15.0	4-1-61	14.6
	141	11	6	15.2	4-1-61	14.6
RI62-77 ^{2 6}	1	14	3	15.2	4-1-61	14.6
	136	7	6	15.2	4-1-61	15.0
RI62-78 ^{2 6}	142	22	3	15.2	4-1-62	14.6

¹ Consolidated with proceedings in Docket No. G-9283, et al., by order issued 9-23-60.

² Consolidated with proceedings in Docket No. AR61-2, et al., by orders issued 5-10-61 and 5-15-62.

³ Includes 0.5 cent per Mcf dehydration and gathering charge allowance.

⁴ Does not include 0.5 cent per Mcf dehydration and gathering charge allowance.

⁵ For sale of gas from Railroad Commission District No. 1, there is an additional 0.1267 cent per Mcf dehydration and gathering charge allowance, which is a reduction in allowance from the 0.5 cent per Mcf which Atlantic requested in its Offer of Settlement. For the sale of gas from Railroad Commission District No. 2, there is an additional 0.5 cent per Mcf dehydration and gathering charge allowance.

⁶ This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 181 and 187, but such rate schedules are not included in the settlement.

⁷ This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 63 and 166, but such rate schedules are not included in the settlement.

⁸ This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 63, 181, and 187, but such rate schedules are not included in the settlement.

⁹ This proceeding also relates to Atlantic's FPC Gas Rate Schedules Nos. 166 and 205, but such rate schedules are not included in the settlement.

¹⁰ Proper name designation of proceeding includes "(Operator), et al."

¹¹ The settlement rates are conditionally approved and conditionally made effective as of the date of the issuance of this order. As to the proposed increased rates which are less than the settlement rates, this order is in no way to be construed as authorizing Atlantic to retroactively charge and collect the difference between the proposed increased rate and the settlement rate from the date the proposed increased rate became effective subject to refund to the date of the issuance of this order.

[F.R. Doc. 62-8412; Filed, Aug. 21, 1962; 8:46 a.m.]

[Docket No. CP62-286]

CITY OF SPEARVILLE, KANSAS

Notice of Application

AUGUST 15, 1962.

Take notice that on June 5, 1962, the City of Spearville, Kansas (Applicant),

No. 163—8

filed in Docket No. CP62-286 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver natural

gas to Applicant for resale and distribution in Spearville, Kansas, all or more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system within the City of Spearville and a 4-inch lateral transmission line approximately 6 miles in length extending southeast from the town border to an interconnection with Natural's main transmission line in Kansas. The application states that the total over-all cost of constructing the proposed distribution system and lateral line is \$165,000, and that the voters of the City have approved the issuance of gas distribution system bonds in this amount to finance the project.

The estimated peak day and annual gas requirements under this application for the first three years of operation are as follows:

Year	Mcf at 14.65 psia	
	Peak Day	Annual
1st.....	271	31,579
2d.....	343	40,616
3d.....	378	44,717

On June 21, 1962, Natural filed its answer to the subject application stating that the available pipeline capacity and gas supply will permit the requested service and that issuance of an appropriate order is not opposed. Natural estimates that the necessary tap and metering and regulating facilities will cost \$14,340.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 10, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-8409; Filed, Aug. 21, 1962; 8:46 a.m.]

[Docket Nos. RP61-3; RP61-4]

FLORIDA GAS TRANSMISSION CO. AND COASTAL TRANSMISSION CORP.

Order Prescribing Time for Filing Evidence and Reconvening Hearing

AUGUST 15, 1962.

These proceedings relate to two certain issues reserved for hearing in the settlement agreement heretofore approved by the Commission by order issued June 8, 1962, in Docket Nos. G-9262, et al. The reserved issues are (1) the original cost of constructing Florida Gas Transmission Company's (Florida Gas) facilities and (2) accrual of federal income taxes on the books of Coastal Transmission Corporation (Coastal).

Pursuant to the order approving settlement, a conference was held on July 25, 1962, among Respondents, certain interveners, and the Commission staff. No further settlement was

reached as to the substance of the reserved issues, however it was agreed that at the commencement of the hearing a stipulation and exhibit will be placed on the record defining certain procedures and limiting the facts to be tried.

It is the view of the Commission that the aforementioned issues should be set for hearing in accordance with the procedure prescribed below.

The Commission orders:

(A) Florida Gas and Coastal shall serve their case-in-chief on both reserved issues on all parties of record on or before November 9, 1962.

(B) The Commission staff and any interveners, who may wish to adduce evidence, shall file their case-in-chief on either or both reserved issues on or before December 3, 1962.

(C) The hearing on both reserved issues shall reconvene on December 3, 1962, at 10:00 a.m., e.s.t., in a hearing room at the Federal Power Commission, 441 G Street NW., Washington, D.C. At said hearing, the aforementioned stipulation and exhibit shall be placed in the record and, upon adoption of Respondents' case-in-chief, cross-examination shall proceed thereon immediately. At the conclusion of such cross-examination, the cases-in-chief of the other parties shall be placed in the record.

(D) The Presiding Examiner shall exercise control of the proceeding to an expeditious conclusion thereof in conformity with the Commission's rules of practice and procedure.

By the Commission.

JOSEPH H. GUTHRIE,
Secretary.

[F.R. Doc. 62-8411; Filed, Aug. 21, 1962;
8:46 a.m.]

[Docket No. G-2409]

NORTHERN NATURAL GAS CO.

Order To Show Cause and Prohibiting Use of Facilities for Rendering Direct Industrial Sales

AUGUST 15, 1962.

On July 5, 1962, Northern Natural Gas Company (Northern) filed a report responsive to a Commission letter dated June 15, 1962, requesting Northern to submit a statement as to whether direct sales were being made to Northern States Power Company (Northern States) for use in the latter's Black Dog Lake electric generating station, and if so, advising Northern to accompany its answer with an explanation of the reasons for resuming the direct sales while Northern's request for authority to convert the Black Dog sales to a jurisdictional basis was still pending for decision before the Presiding Examiner.¹ Northern's report

states that it entered into an "Interim Interruptible Industrial Contract" with Northern States on April 26, 1962, and that deliveries of gas to the Black Dog plant were commenced on April 27, 1962, pursuant to the terms of the aforesaid "interim" contract which will expire either upon the date that the Commission issues an order granting Northern's request in Docket No. G-2409 that the Black Dog sales be made jurisdictional, or on October 1, 1962, whichever date might be earlier in time.

As justification for the resumption of direct sales to the Black Dog plant, Northern explained that it had cancelled its previous direct sales contract with Northern States on July 31, 1961, because at that time there was a possibility that the Commission might adopt the *Seaboard*-type cost allocation method in Northern's rate case in Docket No. G-19040 to the detriment of Northern's stockholders. However, Northern pointed out that when the Commission issued its orders in Docket No. G-19040 on December 21, 1961, and May 7, 1962, that the issue of cost allocation was settled " * * * for the time being".² Northern then asserts in its report that it could not earn the " * * * agreed upon and approved revenues which were the basis of the settlement of the issue of rate level in Docket No. G-19040" unless the revenues to be obtained from the Black Dog sales were included as a part of the total revenues.³

In next to the last paragraph of Northern's report, the following statement appears:

Northern's counsel has further advised me that, as a matter of law and fact, the original authority issued on June 26, 1956, is still in force and effect. * * *

After a thorough review of the certificate originally issued to Northern in Docket No. G-2409 in conjunction with the applicable court decisions, the Natural Gas Act, our regulations, and the facts surrounding the reopened proceeding in Docket No. G-2409, we find that we must disagree with Northern's conclusion that its certificate in Docket No. G-2409 " * * * is still in force and effect".

July 11, 1961, the ultimate proposal being that Northern desires to have the Black Dog sales made jurisdictional by selling the gas to Northern States under Northern's Rate Schedules CD-3 and R-3. Northern States, as a purchaser under Northern's Contract Demand Rate Schedules, is entitled to buy interruptible gas when it is available. Such overrun sales were held to be jurisdictional when used in the purchaser's own generating plant in State Corp. Com'n of Kan. v. F.P.C., 206 F. 2d 690 (CA8).

² Northern had claimed prior to the aforesaid orders that a *Seaboard*-type cost allocation method would cause its stockholders to lose about \$749,838 from making direct sales to the Black Dog plant because costs allocated against the sales would exceed the revenues to be obtained therefrom by that amount.

³ There had been no indication at the settlement in Docket No. G-19040 that Northern intended to resume making direct sales to Northern States despite the pendency of its petition filed in Docket No. G-2409 seeking permission to convert the Black Dog sales to a jurisdictional basis.

First of all, on July 19, 1961, Northern filed in Docket No. G-2409 an application for a temporary certificate specifically requesting that it be permitted to use its existing facilities to render jurisdictional sales to Northern States, for use by the latter in the Black Dog plant, under Northern's Rate Schedules CD-3 and R-3. The reason given for the "emergency" situation which had arisen at that time was that Northern had cancelled its previous direct sales contract with Northern States to become effective as of July 31, 1961. Northern claimed that making the sales on a jurisdictional basis would reduce the jurisdictional cost of service because Northern expected to sell Northern States 5,000,000 Mcf of gas during the months of August and September of 1961. The Commission thereafter on July 21, 1961, issued Northern a temporary certificate containing the following language:

The temporary authorization to make jurisdictional instead of nonjurisdictional sales to Northern States Power Company for use by the latter in its "Black Dog" generating plant, as requested by Northern Natural Gas Company in its application for temporary certificate filed July 19, 1961, in Docket No. G-2409, is hereby granted for the limited period beginning August 1, 1961 and extending through September 30, 1961.

While we do not favor the utilization of gas for boiler fuel use for marginal savings, under the circumstances and during the transition period of this case, we are granting the certificate for a period beginning August 1, 1961, and extending through September 30, 1961.

The language employed in granting Northern's temporary certificate leaves no doubt but that Northern was authorized to use the facilities constructed pursuant to the certificate originally issued in Docket No. G-2409 on a jurisdictional basis to make sales under Northern's Rate Schedules CD-3 and R-3. Northern's having made these sales on a jurisdictional basis after having cancelled its previous direct sales contract with Northern States precluded Northern from resuming direct sales to Northern States without making the required filing under Section 4(c) of the Natural Gas Act. In *United Gas Co. v. Mobile Gas Corp.*, 350 U.S. 332, the Supreme Court stated (pp. 341-42):

The limitations imposed on natural gas companies are set out in sections 4(c) and 4(d). The basic duties are the filing requirements: section 4(c) requires schedules showing all rates and contracts in force to be filed with the Commission and section 4(d) requires all changes in such schedules likewise to be filed.

It should be noted that when Northern's temporary certificate prohibited jurisdictional sales after October 1, 1961, that Northern was then making sales under its jurisdictional Rate Schedules CD-3 and R-3, but on April 27, 1962, Northern resumed making direct sales to Northern States without filing its new direct sales contract with Northern States until June 14, 1962, or almost two

¹ In Docket No. G-2409 on June 30, 1956, 15 FPC 1634, the Commission issued Northern a certificate to construct the facilities required to make direct industrial sales to Northern States for use by the latter at its Black Dog plant. On June 6, 1960, Northern filed a petition to amend its certificate in Docket No. G-2409 so as to make such sales jurisdictional. This petition was supplemented on April 26, 1961, and amended on

months after it reinstituted direct sales of gas to Northern States.

Thus, Northern clearly violated section 4(c) of the Act and § 155.1 of the Commission's regulations under the Natural Gas Act by its failure to file the direct sales contract under which it resumed the direct sales of gas to Northern States. As indicated above, the Supreme Court has interpreted section 4(c) as meaning that a natural-gas company must file all rates and contracts in force. So far as Northern was concerned, its contract with Northern States was in force on April 27, 1962, but Northern failed to notify the Commission in any way of the resumption of these direct sales until it belatedly filed the contract on June 14, 1962, after learning that the Commission had been informed that direct sales of gas to Northern States for use in the Black Dog plant had been resumed.

Northern's failure to file its direct sales contract at the time it resumed the making of direct sales to Northern States was not in accordance with either the Natural Gas Act or the Commission's regulations. Northern's failure to continue its operations in accordance with the Natural Gas Act rendered its certificate originally issued in Docket No. G-2409 ineffective in that paragraph (C) of the order originally issued to Northern in Docket No. G-2409 provided that the certificate issued in Docket No. G-2409 was subject to § 157.20(e) of the Commission's regulations under the Natural Gas Act which provides:

(e) The certificate issued to applicant is not transferable in any manner and shall be effective only so long as applicant continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as applicable rules, regulations, and orders of the Commission.

Wholly apart from the fact that Northern's original certificate authority in Docket No. G-2409 is now ineffective through Northern's failure to comply with the provisions of the Act and the Commission's regulations, is the fact that we set forth in the temporary certificate issued in Docket No. G-2409 a statement to the effect that " * * * we do not favor the utilization of gas for boiler fuel use for marginal savings" and that during the transition period of the reopened proceeding in Docket No. G-2409 we would permit sales for boiler fuel for two months only. There was no reason for Northern to ignore this statement, particularly in light of the further condition in paragraph (E) of the certificate originally issued in Docket No. G-2409 which provided (15 FPC 1634 at p. 1637):

(E) The authorization granted by this certificate shall not preclude the Commission from requiring Northern to curtail the use of the facilities herein authorized if at some future time it is demonstrated to the Commission that public convenience and necessity so require.

The Commission finds:

(1) Northern's resumption of direct industrial sales without the filing of its

new contract with Northern States pursuant to section 4(c) of the Natural Gas Act and § 155.1 of the Commission's regulations has rendered the original certificate issued to Northern in Docket No. G-2409 ineffective in accordance with the provisions of § 157.20(e) of the Commission's regulations.

(2) Northern should be precluded from using the facilities authorized in Docket No. G-2409 for making direct industrial sales because of its failure to continue the operations therein authorized in accordance with the provisions of the Natural Gas Act and the Commission's regulations.

(3) Northern should be precluded from using the facilities authorized in Docket No. G-2409 for making jurisdictional sales because of the two-month limitation contained in the temporary certificate issued July 21, 1961, on the making of jurisdictional sales during the transition period of this case.

(4) Northern should be required to show cause as to why its petition to render jurisdictional sales to Northern States for use at the Black Dog plant should not be dismissed.

The Commission orders:

(A) Northern is hereby prohibited from utilizing the facilities originally authorized in Docket No. G-2409, 15 FPC 1634, 1637, for making direct industrial sales or jurisdictional sales to Northern States for use in the latter's Black Dog generating station prior to the issuance by the Commission of a final order in this reopened proceeding for the reasons given in paragraphs (1), (2), and (3) above.

(B) Northern shall show cause, if any therebe, at the reopened hearing directed in paragraph (C) hereof, why its petition to render jurisdictional sales to Northern States for use in the latter's Black Dog plant should not be dismissed.

(C) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 14, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held on a reopened record in Docket No. G-2409 commencing September 19, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington 25, D.C., concerning the matters involved in and the issues raised by Northern's filing of its petition to amend the certificate originally issued in Docket No. G-2409, 15 FPC 1634.

(D) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.101] on or before September 4, 1962. Parties who have already been permitted to intervene in the hearing previously held regarding Northern's petition to amend in Docket No. G-2409 shall be considered to be interveners in this reopened proceeding without the necessity of their having to file additional petitions to intervene or notices of intention to participate. However, if the changed circumstances surrounding the reopening of this record

have caused any of the parties heretofore permitted to intervene to change their positions, they should file amended petitions to intervene indicating the reasons for such changes in position.

By the Commission.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 62-8410; Filed, Aug. 21, 1962; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF ADMINISTRATION, REGION II (PHILADELPHIA)

Redelegation of Authority To Execute Legends on Bonds, Notes and Other Obligations

The Regional Director of Administration, Region II, Philadelphia, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1463), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F.R. 9303-5 (Dec. 29, 1954); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Delegation of Authority, 20 F.R. 556 (Jan. 25, 1955))

This redelegation supersedes the redelegation effective December 30, 1956 (22 F.R. 907—February 13, 1957).

Effective as of the 22d day of August 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator,
Region II.

[F.R. Doc. 62-8431; Filed, Aug. 21, 1962; 8:50 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION V (FORT WORTH) AND OTHER ACTING REGIONAL OFFICERS

Designations

The officers appointed to the following listed positions in Region V (Fort Worth) are hereby designated to serve as Acting Regional Administrator, Region V, during the absence of the Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administra-

tor, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant to the Regional Administrator.
2. Regional Director of Community Facilities.
3. Regional Director of Urban Renewal.
4. Regional Counsel.
5. Director, Community Requirements Branch.

The officers appointed to the positions in Region V (Fort Worth) listed under 1, 2, and 3 below are hereby designated to serve as the Acting Regional Director as specified below during the absence of the Regional Director of Community Facilities, the Regional Director of Urban Renewal, or the Regional Director of Administration, respectively, with all the powers, functions, and duties delegated or assigned to the respective Regional Director, provided that no officer is authorized to serve as Acting Regional Director unless all other officers whose titles precede his in the respective designations below are unable to act by reason of absence:

1. Acting Regional Director of Community Facilities:
 - a. Deputy Regional Director of Community Facilities.
 - b. Assistant to the Regional Director of Community Facilities.
2. Acting Regional Director of Urban Renewal:
 - a. Deputy Regional Director of Urban Renewal.
 - b. Chief, Operations Staff, Urban Renewal Branch.
 - c. Assistant Regional Director for Special Programs.
3. Acting Regional Director of Administration:
 - a. Head, Budget and Management Section, Administrative Branch.

This designation supersedes the designation effective June 7, 1962 (27 F.R. 5412).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962).)

Effective as of the 22nd day of August 1962.

[SEAL] R. A. BETHUNE,
Regional Administrator,
Region V.

[F.R. Doc. 62-8432; Filed, Aug. 21, 1962;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4059]

EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND AND DELAWARE POWER & LIGHT CO.

Notice of Proposed Issuance and Sale

AUGUST 16, 1962.

Notice is hereby given that Delaware Power & Light Company ("Delaware"),

600 Market Street, Wilmington 99, Delaware, a registered holding company and a public-utility company, and its subsidiary company, The Eastern Shore Public Service Company of Maryland ("Maryland"), 114 North Division Street, Salisbury, Maryland, a public-utility company, all of whose outstanding securities are owned by Delaware, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43, 44, and 50(a) (3) thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration for a statement of the proposed transactions, which are summarized as follows:

From time to time prior to August 31, 1964, Maryland proposes to issue and sell to Delaware for cash $4\frac{1}{4}$ percent promissory notes due October 1, 1973, in an aggregate principal amount not in excess of \$2,000,000. The notes will be pledged by Delaware with Chemical Bank New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to Chemical Bank New York Trust Company, Trustee, successor by merger to The New Trust Company, dated as of October 1, 1943, as security for Delaware's first mortgage bonds.

It is stated that Maryland will use the proceeds derived from the sale of said notes to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction expenditures. Proposed additions to Maryland's property and plant are estimated at \$3,680,759 for 1962, \$2,278,788 for 1963 and \$2,001,656 for 1964.

It is further stated that, other than miscellaneous traveling expenses, the expenses in connection with the proposed transactions, including legal expenses estimated at not in excess of \$750, will be nominal.

A joint application has been filed by Maryland and Delaware with the Public Service Commission of Maryland, the State commission of the State in which Maryland is organized and doing business. A certified copy of the order of this State commission expressly authorizing the proposed transactions will be filed by amendment in this proceeding.

Notice is further given that any interested person may, not later than September 4, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request.

At any time after said date, the joint application-declaration, as amended, may be granted or permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-8414; Filed, Aug. 21, 1962;
8:47 a.m.]

[File No. 24D-2566]

PROSPER OIL AND MINING CO.

Notice and Order for Hearing

AUGUST 16, 1962.

I. Prosper Oil and Mining Company (issuer), Milford, Utah, a Utah corporation, filed with the Commission on February 16, 1962, a notification on Form 1-A and an offering circular relating to a public offering of 350,000 shares of its \$.10 par value common stock at \$.50 per share, for an aggregate of \$175,000, and 170,000 shares of its \$.10 par value common stock offered for property and equipment for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission, on April 16, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.d.s.t., on October 8, 1962, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, with respect to the matters set forth in section II of the Commission's order dated April 16, 1962, which temporarily suspended the Regulation A exemption of Prosper Oil and Mining Company, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. It is further ordered, That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the

Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Prosper Oil and Mining Company, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before October 5, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Prosper Oil and Mining Company, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated April 16, 1962. Such answer shall be filed in the manner, form, and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Prosper Oil and Mining Company does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated April 16, 1962.

Notice is hereby given, That if Prosper Oil and Mining Company fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Prosper Oil and Mining Company by the Commission upon consideration of this notice and order for hearing and said allegations in section II of the Commission's order dated April 16, 1962, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 62-8415; Filed, Aug. 21, 1962;
8:47 a.m.]

[File No. 24SF-2899]

TERRA EQUIPMENT ENGINEERING, INC.

Notice and Order for Hearing

AUGUST 16, 1962.

I. Terra Equipment Engineering Corporation (issuer), 496 West San Carlos Street, San Jose, California, incorporated in Nevada on April 27, 1961, to acquire the business of Thompson Scoop-Grader, Inc. (predecessor, a California corporation), filed with the Commission on June 12, 1961 a notification and offering circular relating to an offering of 273,423 shares of its \$1.00 par value common stock at \$1.00 per share, for an aggregate offering of \$273,423, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on June 29, 1962, issued an order pursuant to Rule 261 of the general rules and regulation under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on October 3, 1962, at the San Francisco Regional Office of the Commission, 821 Market Street, San Francisco, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in this proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that:

1. The issuer failed to disclose in response to Item 3(c) the names of all persons who may be considered as promoters of the issuer within the meaning of Rule 251.

2. The issuer failed to disclose in response to Item 9 the facts regarding the allocation and transfer of 397,142 shares for which an exemption is claimed under section 4(1) of the Securities Act of 1933, as amended.

B. Whether the offering circular omits to state material facts which should necessarily have been included in order to make the representations made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The interests in the predecessor company which were the basis for the allocation of shares of the issuer in exchange for the business of the predecessor, and material transactions in such interests by officers, directors and promoters of predecessor and issuer;

2. Material transactions in shares of the issuer by officers, directors and promoters thereof;

3. The liabilities of the predecessor company assumed by issuer and the liabilities of the issuer, the items included therein, and provisions and agreements pertaining to the satisfaction or discharge thereof;

4. Transactions in shares of the issuer in violation of state law and resulting contingent liabilities, and

5. Commitments of the issuer to pay salaries and commissions.

C. Whether the exemption provided by Regulation A is available in that the issuer has failed to comply with Rules 253 and 254 in computing the aggregate amount of the offering and consequently the offering, if made, would exceed the \$300,000 limitation of section 3(b) of the 1933 Act.

D. Whether the offering, if made, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Terra Equipment Engineering, Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before October 1, 1962, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered that Terra Equipment Engineering, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Terra Equipment Engineering, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Terra Equipment Engineering, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Terra Equipment Engineering, Inc. by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 62-8416; Filed, Aug. 21, 1962;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 681]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking re-

consideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64885. By order of August 13, 1962, The Commission, Division 3, approved the transfer to Hove Truck Line, a corporation, Stanhope, Iowa, of Certificates Nos. MC 112985 Sub 1 and MC 112985 Sub-7, issued May 12, 1958 and March 29, 1960, to R. E. Newbrough, Wesley, Iowa, authorizing the transportation, over irregular routes, of malt beverages, from Milwaukee, Wis., and Omaha, Nebr., to Arnolds Park, Iowa, and from Milwaukee, Wis., to Britt, and Spencer, Iowa; and from LaCrosse, Wis., to Spencer, and Storm Lake, Iowa; empty malt beverage containers, on return; livestock, from Goodell, Iowa, and points within 15 miles thereof, to Omaha, Nebr., Austin, Albert Lea, and South St. Paul, Minn., and Chicago, Ill., livestock, feed, building material, and agricultural implements and farm machinery and parts thereof, from Omaha, Nebr., Austin, Albert Lea, and South St. Paul, Minn., and Chicago, Ill., to Goodell, Iowa, and points within 15 miles thereof; fruits, and vegetables, from Spencer, Iowa, to Emmetsburg, Storm Lake, Hartley, Algona, Humboldt, Holstein, Correctionville, and Cherokee, Iowa, and Luverne and Worthington, Minn., and farm machinery, from Moline, and Rock Island, Ill., to Spencer, Iowa. Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa, applicants' representative.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8425; Filed, Aug. 21, 1962;
8:49 a.m.]

[Notice 223]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 17, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any

should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 110166 (Deviation No. 3), TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., filed August 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville over U.S. Highway 70-N to junction Tennessee Highway 26 (within the corporate limits of Lebanon, Tenn.) thence over Tennessee Highway 26 to junction U.S. Highway 70-S at Sparta, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 70-S.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8427; Filed, Aug. 21, 1962;
8:50 a.m.]

[Notice 468]

MOTOR CARRIER APPLICATIONS

Call of the Docket

AUGUST 17, 1962.

Opposition to the following applications noticed herein (except No. MC 668 (Sub-No. 76) which has already been partially heard), may be accomplished (1) by filing a protest in accordance with § 1.40 of the Commission's general rules of practice within 30 days from the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of § 1.241(c) (1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties. A number of applications filed by passenger carriers, in which oral hearings appear to be required, are pending for motor carrier operating rights in Connecticut, New York, and New Jersey. In addition, several broker applications involving the transportation of passengers in the same area are also pending. These applications and the authority sought are listed in the appendix to this notice. One, as indicated, has been partially heard and was continued to a time and place to be fixed by the Commission.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it are attributable to a traditional liberality in granting requests for postponement of hearings. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed in the appendix will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on

the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a calling of the Docket by Chief Hearing Examiner James C. Cheseldine, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., on September 18, 1962, at 9:30 o'clock a.m., United States standard time (or, 9:30 o'clock a.m. local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 3647 (Sub-No. 330), filed August 8, 1962. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, during the racing seasons, between Dover, Rockaway, Den-ville, Mount Tabor, Parsippany-Troy Hills, Morris Plains, Morris Township, Morristown, Madison, Chatham, Summit, and Millburn, N.J., on the one hand, and, on the other, (1) Delaware Park Race Track, Stanton, Del., (2) Bowie Race Track, Bowie, Md., (3) Pimlico Race Track, Baltimore, Md., (4) Laurel Race Track, Laurel, Md., and (5) Charles Town Race Track, Charles Town, W. Va.

NOTE: Applicant states that one stop will be made at a specific point in each municipality listed above.

No. MC 3700 (Sub-No. 49), filed August 10, 1962. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Route 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Paterson, N.J., and Manhattan, New York, N.Y., serving all intermediate points. The purpose of this application is to change the present New York City Terminus stated in the certificate in Docket No. MC 3700 as "Manhattan, New York, N.Y." to read "New York, N.Y."

NOTE: Common control may be involved.

No. MC 3705 (Sub-No. 22), filed August 10, 1962. Applicant: WESTWOOD TRANSPORTATION LINES, INC., 149 Liberty Street, Little Ferry, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Weehawken, N.J., and Manhattan, New York, N.Y., serving all intermediate points. The purpose of this application is to change the present New York City Terminus stated in certificate in Docket No. MC 3705 Sub-1 as

"Manhattan, New York, N.Y.," to read "New York, N.Y."

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8428; Filed, Aug. 21, 1962;
8:50 a.m.]

[Notice 469]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 17, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statements as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 879 (Sub-No. 9), filed August 16, 1962. Applicant: SERVICE LINES, INC., 514 South Fourth Street, St. Louis

2, Mo. Applicant's attorney: B. W. La-Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, livestock, commodities of unusual value, those injurious or contaminating to other lading, automobiles, commodities requiring refrigeration, hay and straw, green hides, high explosives, and fresh milk and cream), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations between St. Louis Mo., and Chattanooga, Tenn.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 2989 (Sub-No. 29), filed March 30, 1962. Applicant: DAYS TRANSFER, INC., 730 East Beardsley, Elkhart, Ind. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Indiana, Ohio, and points in the lower peninsula of Michigan.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 16831 (Sub-No. 12), filed August 14, 1962. Applicant: LAVERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa. Applicant's attorney: William N. Dunn, Eldora, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Wisconsin, South Dakota, Kansas, and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 18738 (Sub-No. 28), filed March 15, 1962. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified)

used in transporting the commodities specified above, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 25567 (Sub-No. 45), filed August 10, 1962. Applicant: HANCOCK TRUCKING, INCORPORATED, P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 29988 (Sub-No. 87), filed August 13, 1962. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives and commodities in bulk), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's authorized regular-route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 41406 (Sub-No. 6), filed August 13, 1962. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 42329 (Sub-No. 156), filed August 13, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village), as an intermediate or offroute point in connection with carrier's presently authorized regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 52110 (Sub-No. 74), filed March 30, 1962. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Nebraska, and South Dakota.

NOTE: Common control may be involved.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 52751 (Sub-No. 31), filed August 14, 1962. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Kankakee County, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 55896 (Sub-No. 17), filed August 10, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in Indiana, Wisconsin, Michigan, and Ohio.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 61440 (Sub-No. 80), filed August 9, 1962. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Applicant's attorney: Richard H. Champlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 64932 (Sub-No. 320), filed August 15, 1962. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Jerry F. Laughlin.

No. MC 69116 (Sub-No. 65), filed March 28, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kentucky, Indiana, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 71096 (Sub-No. 43), filed August 9, 1962. Applicant: NORWALK TRUCK LINES INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Grand Valley State College, located south of Grand Rapids, Mich., and points within two (2) miles thereof as off-route points in connection with applicant's regular-route operations to and from Grand Rapids, Mich.

NOTE: Applicant states it owns and controls Norwalk Truck Lines Inc. of Delaware through ownership of all common voting stock. Control authorized by the Commission under Docket No. MC-F-6229.

HEARING: September 27, 1962, at the Federal Building, Lansing, Mich., before

Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 78632 (Sub-No. 117), filed August 13, 1962. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 103435 (Sub-No. 112), filed April 25, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha Street, Rapid City, S. Dak. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Missouri, and Kansas.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 103880 (Sub-No. 266), filed August 9, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 105957 (Sub-No. 48), filed August 13, 1962. Applicant: DELTA MOTOR LINES, P.O. Box 8367, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, P.O. Box 1250, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over

regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), to serve the Village of Champ, Mo. (also known as Champ Industrial Village), as an offroute point in connection with applicant's regular route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 108185 (Sub-No. 26), filed August 13, 1962. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock and commodities which require special equipment), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's regular-route operations to and from St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 108586 (Sub-No. 53), filed March 28, 1962. Applicant: STEFFKE FREIGHT CO., a corporation, P.O. Box 990, Wassau, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, from points in Kankakee County, Ill., to points in North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Indiana, and Wisconsin.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

No. MC 109397 (Sub-No. 61), filed August 10, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, between missile sites, production plants and missile test facilities in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 111594 (Sub-No. 20), filed August 13, 1962. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, P. O. Box 200, Wisconsin Rapids, Wis. Applicant's at-

torney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Village of Champ, Mo., on the one hand, and, on the other, St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MS 112617 (Sub-No. 123), filed July 20, 1962. Applicant: LIQUID TRANSPORTERS, INC., P. O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers between missile sites, production plants and missile test facilities, located at points, in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 112713 (Sub-No. 94), filed August 13, 1962. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an offroute point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 112822 (Sub-No. 34) (AMENDMENT), filed May 17, 1962, published FEDERAL REGISTER issue August 1, 1962, amended August 14, 1962, and republished as amended this issue. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Street, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in truck loads, (1) from the plant site of the Farmers Chemical Company at Horn, Mo., approximately six (6) miles west of Joplin, Mo., to points in Iowa, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Colorado, and Wyoming, (2) from St. Joseph, Mo., and points within ten (10) miles thereof, to points in Nebraska, Iowa, Kansas, Colorado, South Dakota, and Wyoming, (3) from Muskogee, Okla., and points within ten (10) miles thereof, to points in

Arkansas, Kansas, and Missouri, and (4) from Lawrence, Kans., and points within ten (10) miles thereof, to points in Missouri, Oklahoma, Colorado, South Dakota, Nebraska, Iowa, and Wyoming, and *returned and rejected shipments* in connection with routes (1), (2), (3), and (4) above, on return.

NOTE: The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: Remains as assigned September 12, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Alton R. Smith.

No. MC 113336 (Sub-No. 54), filed August 10, 1962. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 116254 (Sub-No. 12), filed August 13, 1962. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) above, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 119403 (Sub-No. 2), filed August 10, 1962. Applicant: CONTRACT STEEL CARRIERS, INC., 7500 West Chicago Avenue, Gary, Ind. Applicant's attorney: J. F. Edell, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the Commission's report in Ex Parte 45, *Descriptions in Motor Certificates*, 61 M.C.C. 209, from points in Kankakee

County, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, and *exempt commodities*, on return.

HEARING: September 19, 1962, at the Palmer House, Chicago, Ill., before Examiner William R. Tyers.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8429; Filed, Aug. 21, 1962;
8:50 a.m.]

[Notice 470]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 17, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 142), filed July 24, 1962. Applicant: G A R R E T T FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the mine site at Monsanto Chemical Corporation, located approximately 13 miles northeast of Soda Springs, Idaho, as an offroute point in connection with applicant's presently authorized regular-route operation between Pocatello and Montpelier, Idaho, over U.S. Highways 30N and 91.

HEARING: October 19, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 263 (Sub-No. 145), filed July 24, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1551, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber*, from the mill of the Livingston Lumber Co. near North Fork,

Idaho, over U.S. Highway 93 to Salmon, Idaho, serving no intermediate points.

HEARING: October 19, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 504 (Sub-No. 51), filed April 27, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Illinois and Michigan, to points in North Carolina, on and east of U.S. Highway 21.

NOTE: Applicant states it, "presently has authority from Illinois and Michigan to substantially every point in North Carolina here involved via South Carolina. It seeks here to eliminate such gateway."

HEARING: October 22, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 1124 (Sub-No. 184), filed August 13, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Street, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Centralized Testing Site, and the easements thereto and a part thereof located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as offroute points in connection with applicant's regular-route operations between Jacksonville, Fla., and New Orleans, La.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 11220 (Sub-No. 80), filed August 9, 1962. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Centralized Testing Site and the easements thereto, located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as offroute points in connection with applicant's presently authorized regular-route operations between New Orleans, La., and Meridian, Miss.

NOTE: Applicant states that it is in control of Huff Truck Lines, Inc., MC 20053.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 13964 (Sub-No. 4), filed July 30, 1962. Applicant: JOHN R. MORGAN, doing business as JOHN R. MORGAN CO., 20116 Greydale, Detroit 19, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, *grooms*, *mares*, *equipment and tack*, between points in Michigan, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Iowa, Louisiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Rhode Island, Virginia, West Virginia, and Wisconsin.

HEARING: October 18, 1962, at the Detroit-Leland Hotel, Detroit, Michigan, before Examiner Reece Harrison.

No. MC 25798 (Sub-No. 78), filed August 15, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Tennessee, Virginia, and West Virginia and (2) *advertising, promotional and display materials*, when shipped with said frozen foods, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 35890 (Sub-No. 17), filed June 28, 1962. Applicant: BLODGETT UNCRATED FURNITURE SERVICE, INC., 845 Chestnut Street SW., Grand Rapids, Mich. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Windows, doors and awnings*, uncrated, from Grand Rapids, Mich., and Chicago, Ill., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 61264 (Sub-No. 12) (CLARIFICATION), filed June 13, 1962, published FEDERAL REGISTER issue July 25, 1962, clarified August 10, 1962, and republished this issue. Applicant: PILOT

FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between points in South Carolina, on the one hand, and, on the other, points in Virginia, points in North Carolina within 150 miles of Broadway, N.C., and points in that part of Georgia on and north of U.S. Highway 80; (2) from Richmond, Va., to points in North Carolina, South Carolina and points in that part of Georgia on and north of U.S. Highway 80.

NOTE: The applicant states that it is presently authorized to serve all points involved and the sole purpose of the application is to eliminate gateways between certain of the points.

(The purpose of this republication is to add the above note to the proposed authority.)

HEARING: Remains as assigned October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 64932 (Sub-No. 321), filed August 15, 1962. Applicant: **ROGERS CARTAGE CO.,** a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the Terminal Outlet of the Mid-American Pipeline Company at or near Farmington, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

HEARING: September 21, 1962, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 66562 (Sub-No. 1880) (CORRECTION), filed April 4, 1962, published in **FEDERAL REGISTER** April 18, 1962, incorrectly republished May 9 after amendment, republished this issue as corrected. Applicant: **RAILWAY EXPRESS AGENCY, INC.,** 219 East 42d Street, New York 21, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Idaho Falls, and Victor, Idaho, and between Sugar City and Teton, Idaho.

NOTE: This republication is to correctly show the intermediate and offroute points between Idaho Falls and Victor, Idaho, which will be served as Ririe, Rigby, Menan, Roberts, Rexburg, Sugar City, St. Anthony, Ashton, Driggs, and Teton.

HEARING: October 18, 1962, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49,

or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 66562 (Sub-No. 1881), filed April 9, 1962. Applicant: **RAILWAY EXPRESS AGENCY, INC.,** 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Mobile, Ala., and Pensacola, Fla., as follows: (1) From Mobile over U.S. Highway 90 to Roberts-dale, Ala., thence over Alabama Highway 59 to Foley, Ala., thence over U.S. Highway 98 to Pensacola, and return over the same route, serving intermediate points of Loxley, Roberts-dale, Summer-dale, and Foley, Ala. (2) Alternate route for operating convenience only: From junction of U.S. Highway 90 with Alabama Highway 59 near Roberts-dale, Ala., over U.S. Highway 90 to junction with U.S. Highway 98 near Pensacola, and return over the same route.

NOTE: Applicant states these routes will be operated in conjunction with its existing authority between Pensacola and Eglin Air Force Base, Fla. **RESTRICTIONS:** Applicant states that in addition to the restriction "moving in express service", the proposed operation will be subject to the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or rail express service. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt. (3) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, railway express service.

HEARING: September 28, 1962, at the Hotel Battle House, Mobile, Ala., before Joint Board No. 98, or, if the Joint Board waives its right to participate before Examiner Warren C. White.

No. MC 66836 (Sub-No. 10), filed July 20, 1962. Applicant: **SUN MOTOR LINE, INC.,** 1300 West Reno, Oklahoma City, Okla. Applicant's attorney: Rufus H. Lawson, P.O. Box 5114, Oklahoma City 7, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils and greases*, in containers, *grease guns and pumps*, *insecticides and advertising matter and signs*, (1) from Oklahoma City, Okla., to points in Arizona, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, and (2) from Enid, Okla. and points within five (5) miles thereof, to points in Arizona, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities in connection with routes (1) and (2) above, on return.

HEARING: October 8, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 69492 (Sub-No. 20), filed May 3, 1962. Applicant: **HENRY EDWARD,** doing business as **HENRY ED-**

WARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Belleville, Ill., to Woodland Mills, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 28, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 103051 (Sub-No. 134), filed July 30, 1962. Applicant: **WALKER HAULING CO., INC.,** 340 Armour Drive, NE, Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products of vegetable oils including vegetable oil shortening*, in bulk, in tank vehicles from points in Chatham County, Ga., to points in Connecticut, Delaware, District of Columbia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 103880 (Sub-No. 257), filed April 26, 1962. Applicant: **PRODUCERS TRANSPORT, INC.,** 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between the port of entry on the International Boundary Line between the United States and Canada at or near Sault Ste. Marie, Mich., on the one hand, and on the other, points in Michigan, Ohio, Indiana, Illinois, Minnesota, and Wisconsin.

NOTE: Applicant states the proposed operation will be restricted to shipments originating at or destined to points in Canada.

HEARING: October 23, 1962, at the Conrad Hilton Hotel, Chicago, Ill., before Examiner William A. Royall.

No. MC 105813 (Sub-No. 73) (AMENDMENT) filed August 3, 1962, published issue of August 15, 1962, amended August 13, 1962, and republished as amended this issue. Applicant: **BELFORD TRUCKING CO., INC.,** 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts and pineapples*, from Charleston, S.C., Tampa, Miami, West Palm Beach, Port Everglades, and Jacksonville, Fla., to points in Alabama, Arkansas, Delaware, Florida,

Georgia, Illinois, Indiana, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: The purpose of this republication is to include Jacksonville, Fla., as a point of origin.

HEARING: Remains as assigned October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 105813 (Sub-No. 74), filed August 9, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Rochester, N.Y., on the one hand, and, on the other, points in Florida.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 106398 (Sub-No. 202), filed July 23, 1962. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles* (including but not limited to *utility trailers, camp trailers, mobile homes, and commercial and other adaptations of the foregoing*), in initial movements, by truckaway service, from points in Pennsylvania (except Camp Hill, Chambersburg, Clarion, Clearfield, Irwin, Mansfield, Meadville, Montoursville, State College, and West Pittston), to points in the United States, including Alaska (but excluding Hawaii), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 106965 (Sub-No. 190), filed July 31, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, liquid in bulk, from points in Chatham County, Ga., to points in Maryland, Pennsylvania, West Virginia, Delaware, and the District of Columbia.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 107012 (Sub-No. 45), filed April 30, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: Kenneth W. Maxfield (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Selfpropelled passenger or property carrying golf cars*, uncrated, from South Bend, Ind., to points in the United States, including Alaska and Hawaii, and *damaged and rejected shipments*, on return.

HEARING: October 23, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 107012 (Sub-No. 49), filed July 10, 1962. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: G. Zan Golden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New store, office and household fixtures and appliances*, in packages or crates when moving in conjunction with uncrated shipments of the described commodities, from points in Delaware, Franklin, and Richland Counties, Ohio, and Grand Rapids, Mich., and points within ten (10) miles of Grand Rapids, Mich., to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states the purpose of the application is to assure the right of applicant to transport partial loads of fixtures and appliances in the same vans with uncrated shipments of fixtures and appliances pursuant to existing authority.

HEARING: October 15, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

MC 107107 (Sub-No. 230), filed August 15, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Rochester, N.Y., to points in Florida.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 107839 (Sub-No. 43), filed May 21, 1962. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat and packinghouse products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, between Pueblo, Colorado Springs, Denver, and Greeley, Colo., Scottsbluff, and Gering, Nebr., on the one hand, and, on the other, points in Montana, Idaho, Oregon, Washington, and Salt Lake City, and Ogden, Utah, and (2) *frozen foods and fresh fish*, from points in Washington, Oregon, and Idaho, to points in Wyoming, Chadron, Scottsbluff, and Gering, Nebr.

HEARING: October 1, 1962, at the New Customs House, Denver, Colorado, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110525 (Sub-No. 526), filed July 27, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and mortar*, in bulk, and bags (1) from the plant site of Atlantic Cement Company, Inc., at or near Ravena (Albany County), N.Y., to points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire, and (2) from the plant and storage site of Atlantic Cement Company, Inc., at or near Charlestown, Mass., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

HEARING: October 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 111812 (Sub-No. 173), filed August 10, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pastries and confections* (including Viennese torte, linzer torte, butter creme torte, petit fours, nougatine tarts, Swiss butter rum cake, Dresden butter stollen, cinnamon nut strudel, fruit cake, pecan log rolls, date-nut torte, Parisian rum sticks), from Monroe, Wis., to Phoenix and Tucson, Ariz., Denver, Colo., Tulsa and Oklahoma, City, Okla., Albuquerque, N. Mex., El Paso, Tex., Las Vegas and Reno, Nev., Salt Lake City, Utah, and points in California, Idaho, Montana, Oregon, and Washington. (2) *Food seasoning compounds*, from Wausau, Wis., to Phoenix and Tucson, Ariz., Denver, Colo., Tulsa and Oklahoma City, Okla., Albuquerque, N. Mex., El Paso, Tex., Las Vegas and Reno, Nev., Salt Lake City, Utah, and points in California, Idaho, Montana, Oregon, and Washington.

HEARING: September 10, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 113089 (Sub-No. 4), filed June 18, 1962. Applicant: ED GALIGHIER, P.O. Box 163, Bowerston, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 18, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay drain tile* from Bowerston, Ohio, to points in Virginia, New Jersey, and the District of Columbia; and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, on return trips.

NOTE: Applicant states that the operations will be conducted under contract with Bowerston Shale Company.

HEARING: October 19, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 113495 (Sub-No. 9), filed July 26, 1962. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, cast iron pipe fittings, and materials and accessories* used in the installation and maintenance of cast iron pipe and cast iron pipe fittings (1) from Lynchburg, Va., to points in Illinois, Wisconsin, Michigan, Iowa, Minnesota, and Indiana (except those in that portion on and south of U.S. Highway 40 and on and east of U.S. Highway 31), and (2) from Radford, Va., to points in Illinois, Wisconsin, Minnesota, Michigan, and Indiana (except those in that portion on and south of U.S. Highway 40 and on and east of U.S. Highway 31).

NOTE: Applicant states he already holds authority to transport cast iron pressure pipe, cast iron pressure pipe fittings, and materials and accessories used in the installation and maintenance of cast iron pressure pipe and cast iron pressure pipe fittings, from and to the same points named above. The purpose of this application is to remove the limitation imposed by the word "pressure".

HEARING: October 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 113651 (Sub-No. 41) (AMENDMENT), filed June 11, 1962, published in FEDERAL REGISTER issue of July 25, 1962, republished this issue as amended August 16, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used in packinghouses*, as described in Appendix I to the report in 61 M.C.C. 209, from Dennison and Fort Dodge, Iowa, to points in Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE: The purpose of this republication is to add Fort Dodge, Iowa, as an origin point.

HEARING: Remains as assigned, September 20, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 113678 (Sub-No. 23), filed June 4, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Donald E. Leonard, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix A, B, and C, 61 M.C.C. 209, from Greeley, Colo., to points in California, Arizona and Nevada.

HEARING: October 3, 1962, at the New Customs House, Denver, Colorado, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 113843 (Sub-No. 45), filed April 20, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and New York (except points within a 75-mile radius of Rochester, N.Y.), and returned, rejected and refused shipments, on return.

HEARING: October 9, 1962, at The Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 113843 (Sub-No. 51), filed August 16, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Monroe County, N.Y., on the one hand, and, on the other, points in Maryland, New Jersey, and points in Pennsylvania on and east of U.S. Highway 15.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 114284 (Sub-No. 17), filed August 13, 1962. Applicant: FOXSMYTHE TRANSPORTATION CO., a corporation, P.O. Box 2307, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as defined by the Commission in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Clovis, N. Mex. and points within five miles thereof, to points in Arizona, Kansas, Nebraska, Oklahoma, and El Paso, Tex., and points within 25 miles of El Paso, Tex.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 114364 (Sub-No. 63) (SECOND AMENDMENT), filed April 19, 1962, published in FEDERAL REGISTER issue of June 6, 1962, republished June 20, 1962, amended August 3, 1962, and republished, as amended this issue. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried beet pulp pellets*, in bulk, from points in Colorado, and that part of Nebraska lying on and west of U.S. Highway 83, to points in

Arizona, and Blythe, Calif., and points within 25 miles of Blythe, and (2) *cottonseed cake products*, from points in Arizona and El Paso, Tex., to points in Colorado and Wyoming (except El Paso, Tex., to Wyoming).

NOTE: The purpose of this republication is to substitute a territorial origin description, in lieu of the present point description, as previously published.

HEARING: Remains as assigned September 18, 1962, at The New Customs House, Denver, Colo., before Examiner Alton R. Smith.

No. MC 115018 (Sub-No. 7), filed July 26, 1962. Applicant: LEWIS W. OWEN, High Street, Lawrenceville, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden skids*, from the plant site of La Crosse Manufacturing Co., Inc., located at La Crosse, Va., to Moraine City, Ohio, and refused, rejected and damaged shipments of the above-specified commodities, on return.

HEARING: October 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 312.

No. MC 115162 (Sub-No. 75), filed May 24, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stock millwork and building materials, including kitchen cabinets complete with appliances*, from the plant site of McPhillips Manufacturing Company, Inc., located at Mobile, Ala., to points in Alabama, Georgia, Florida, Mississippi, Louisiana, Tennessee, and Arkansas.

HEARING: September 27, 1962, at the Hotel Battle House, Mobile, Ala., before Examiner Warren C. White.

No. MC 115523 (Sub-No. 106), filed June 11, 1962. Applicant: CLARK TANK LINES CO., a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, diatomaceous earth and pozzolanic materials*, from points in Nevada and Utah to points in Utah, Arizona, California, Idaho, Oregon, Montana, Wyoming, Colorado, Washington, New Mexico, and Nevada, (2) *dry fertilizer, dry fertilizer ingredients and dry fertilizer compounds*, from points in Nevada to points in Utah, Arizona, California, Idaho, Oregon, Montana, Wyoming, Colorado, Washington, New Mexico, and Nevada, (3) *cement*, from points in Bannock County, Idaho to points in Nevada, Utah, and Wyoming and from railheads in Nevada to points in Nevada, from railheads in Utah to points in Utah, from railheads in Wyoming to points in Wyoming, and (4) *fertilizer, fertilizer ingredients and fertilizer compounds*, from points in Wyoming to points in Wyo-

ming, Colorado, New Mexico, Arizona, California, Idaho, Utah, North Dakota, South Dakota, Nebraska, Kansas, Texas, and Montana.

HEARING: October 9, 1962, at the Utah Public Service Commission, Salt Lake City Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 116254 (Sub-No. 9), filed July 23, 1962. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer materials and ingredients*, in bulk, and in bags, and containers, between Sheffield, Ala., and points within 15 miles thereof, on the one hand, and, on the other, points in Tennessee, Alabama, and Mississippi.

HEARING: September 25, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 110, or, if the Joint Board waives its right to participate before Examiner Charles B. Heinemann.

No. MC 117109 (Sub-No. 14), filed May 2, 1962. Applicant: SYKES TRANSPORT CO., a corporation, Ironton, Mo. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and lumber*, in flat-bed equipment, from the plant of Crosby Forest Products Company, at Picaune, Miss., to points in Arizona, Colorado, Iowa, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: October 25, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 117119 (Sub-No. 58), filed June 4, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Alabama, Florida, and Georgia to points in Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington, and (2) from Columbus and Jackson, Ohio, to points in Colorado, Nevada, Oregon, Utah, Washington, Idaho, Wyoming, and Montana; and *exempt commodities* in (1) and (2) above, on return.

HEARING: October 16, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 117574 (Sub-No. 65), filed July 23, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mt. Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and conduit, parts and attachments thereof*, from points in Atlantic and Burlington Counties, N.J., to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Minnesota, Missouri, Wisconsin, Illinois, Kentucky, Ohio, Indiana, Colorado, New Mexico, Oklahoma, and Wyoming.

NOTE: No duplicating authority is sought.

HEARING: October 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 117574 (Sub-No. 66), filed July 24, 1962. Applicant: DAILY EXPRESS, INC., Box 434, Mt. Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, tractor attachments, farm and industrial machinery and equipment*, and (2) *parts* of (1) above when moving in mixed loads with (1) above, from Racine, Wis., Burlington and Bettendorf, Iowa, and Rockford, Ill., to points in West Virginia.

HEARING: October 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 117823 (Sub-No. 9), filed June 28, 1962. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING CO., 240 West California Avenue, Salt Lake City 15, Utah. Applicant's attorney: Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fresno, Calif., to points in Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

HEARING: October 10, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119097 (Sub-No. 1), filed July 18, 1962. Applicant: JOHNNY'S AUTO & TRUCK TOWING, INC., 1122 Sweitzer Avenue, Akron 1, Ohio. Applicant's attorney: Warren W. Gibson, 2695 Northhaven Street, Cuyahoga Falls, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor and other highway vehicles designed for general highway transportation, which are wrecked, disabled, abandoned, repossessed, stolen or embezzled, with or without cargo*, by wrecker equipment only, and *dollies*, where said vehicles are in such condition that the vehicle cannot be towed; also *replacement vehicles and equipment for wrecked or disabled vehicles*, by wrecker service only, between points in Cuyahoga, Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Maryland, Pennsylvania, and West Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed operation is restricted to exclude abandoned, embezzled, repossessed, and stolen mobile homes and house trailers.

HEARING: October 8, 1962, at the Sheraton Mayflower Hotel, 259 South Main Street, Akron, Ohio, before Examiner Reece Harrison.

No. MC 119118 (Sub-No. 16), filed June 4, 1962. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington

6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Erie, Pa., to points in New York, Ohio, and Weirton, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: October 8, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner William A. Royall.

No. MC-119268 (Sub-No. 11), filed May 1, 1962. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses* as described in Subdivision A and C of Appendix 1, to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 (706), from Whitehall, Marshfield, and La Crosse, Wis., to Chicago, Ill., Pennville, Ind., Covington and Louisville, Ky., Boston, Springfield, and Worcester, Mass., Buffalo and New York City, N.Y., Hartford, Conn., Columbus and Cincinnati, Ohio, and Allentown, Philadelphia, Pittsburgh, Pittston, and Scranton, Pa.

NOTE: Applicant states that he proposes to transport *exempt commodities*, on return.

HEARING: October 24, 1962, at the Palmer House, Chicago, Ill., before Examiner Reece Harrison.

No. MC 119309 (Sub-No. 9), filed July 5, 1962. Applicant: RICHARD S. WATHEN, ROBERT L. WATHEN, AND JOHN WATHEN, doing business as WATHEN GRAIN CO., P.O. Box 237, Henderson, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags, in dry or liquid bulk, and *insecticides* used in connection with farm animals, from the plant sites of the Ralston-Purina Co., located at Nashville, Tenn., and Vandalia, Ill., to points in Henderson and Hopkins Counties, Ky., and *rejected shipments*, on return.

NOTE: Applicant states the proposed operation will be under a contract with the Ralston-Purina Co., of St. Louis, Mo.

HEARING: September 27, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 281, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 119507 (Sub-No. 11), filed April 18, 1962. Applicant: CRAUN TRANSPORTATION INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 50 West Broad Street, LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *High temperature bonding mortar* from points in Sandusky County, Ohio to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, and (2) *pallets, skids and shipping containers* used in the transportation of high temperature bonding mortar, from points

in the above specified destination territory to points in Sandusky County, Ohio.

HEARING: October 19, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 119778 (Sub-No. 14), filed July 27, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and chlorine*, from Sheffield, Ala., and points within a radius of fifteen miles of Sheffield, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, South Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

HEARING: October 4, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Nefflen.

No. MC 119934 (Sub-No. 51), filed August 10, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Lemont, Ill., to points in Indiana, Michigan, Ohio, Wisconsin, and Tennessee, and *damaged and rejected shipments*, on return.

HEARING: September 20, 1962, at the Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 123467 (Sub-No. 1) (REPUBLICATION), filed December 8, 1961, published FEDERAL REGISTER, issue of March 7, 1962, and republished this issue. Applicant: H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, Neodesha, Kans. Applicant's attorney: James T. Hope, 641 Harrison Street, Topeka, Kans. By application filed December 8, 1961, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) manufactured and processed animal, poultry and fish feed, in bags and containers, and in bulk, from the plant site of the Consumers Cooperative Association at or near Muncie, Kans., to points in Missouri (except the St. Louis Commercial Zone), Oklahoma and Kansas; and (2) dry fertilizer (except urea), in bulk, from the plant site of the Consumers Cooperative Association at or near Horn, Mo., to points in Kansas, Nebraska, and Colorado; and empty containers or other such incidental facilities, used in transporting the above described commodities, on return, in connection with (1) and (2) above. Hearing was held at Kansas City, Mo., on April 23, 1962, Hearing Examiner Joseph A. Reilly presiding. The application as filed sought authority, among

other things, for the transportation of animal, poultry and fish feed from Muncie, Kans., to points in Missouri, Oklahoma, and Arkansas. As published in the FEDERAL REGISTER on March 7, 1962, the authority sought was described as points in Missouri, Oklahoma, and Kansas. As previously published, the authority sought, in part, would be service between points in Kansas, not between Kansas and Arkansas. Upon consideration of all evidence of record, the examiner finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) manufactured and processed animal, poultry and fish feed, in bags and containers, and in bulk, from the plant site of the Consumers Cooperative Association at or near Muncie, Kans., to points in Missouri (except the St. Louis Commercial Zone), Oklahoma and Arkansas; and (2) dry fertilizer, except urea, in bulk, from the plant site of the Consumers Cooperative Association at or near Horn, Mo., to points in Kansas, Nebraska, and Colorado. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued; that, unless otherwise ordered, such certificate should be issued after the lapse of 30 days from the date of the republication in the FEDERAL REGISTER of this application.

No. MC 124047 (Sub-No. 7), filed May 31, 1962. Applicant: SCHWERTMAN TRUCKING CO., OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, from Orrville and Cincinnati, Ohio, and points within ten (10) miles thereof, to points in Indiana, Michigan, Kentucky, and Ohio.

NOTE: Applicant states that it holds contract carrier authority under MC 111623 and subs thereto to transport cement, nitrogen fertilizer solutions, urea, as well as permanent authority involving other commodities; therefore dual operations may be involved.

HEARING: October 15, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124181 (Sub-No. 1), filed July 28, 1962. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Williamstown, N.J., to Hartford, New Haven, and Stamford, Conn., Boston, Mass., and Providence, R.I.

NOTE: Applicant states the proposed operation will be under continuing contract with

Violet Packing Company of Williamstown, N.J.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frances A. Welch.

No. MC 124212 (Sub-No. 1), filed July 23, 1962. Applicant: MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plant site of the Lehigh Portland Cement Company at Union Bridge, Md., to points in Somerset and Cambria Counties, Pa., and rejected and returned shipments of the commodities specified above, on return.

HEARING: October 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 124326 (AMENDMENT), filed April 5, 1962, published FEDERAL REGISTER issue June 6, 1962, amended July 13, 1962, and republished as amended this issue. Applicant: TAVENS TRANSPORTATION CORP., 2806 East 51st Street, Cleveland, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, packaging materials, and machinery, equipment, materials and supplies used or useful in the manufacture of paper, paper articles, and packaging materials*, and (2) *waste materials, for conversion or reclamation, and machinery, equipment, materials and supplies used or useful in the conversion or reclamation of waste materials*, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE: Applicant states "restricted against the transportation of bulk commodities, either liquid or dry in tank vehicles also commodities requiring special equipment." The proposed operations will be under a continuing contract with Tavens Container Corp., Cleveland, Ohio, and Acme Waste Products, Inc., Cleveland, Ohio. The purpose of this republication is to broaden the territorial scope of the authority previously sought.

HEARING: October 10, 1962, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 124528, filed June 11, 1962. Applicant: PAUL E. LIECHTY AND ARTHUR J. LIECHTY, a partnership, doing business as PAUL'S FRIENDLY SERVICE, 102 South Defiance Street, Archbold, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disabled and wrecked vehicles*, in wrecker service and (2) in connection with wrecker service, *parts and equipment* for disabled and wrecked

vehicles, and replacement vehicles, between points in Ohio on and north of U.S. Route 224 on the one hand, and on the other, points in Illinois, Indiana, Pennsylvania, and the lower peninsula of Michigan.

HEARING: October 17, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124539, filed June 15, 1962. Applicant: CLARENCE C. CROWTHERS, 12222 Calvin Drive, Brecksville 41, Ohio. Applicant's attorney: Sanborn, Brandon & Evans, 79 East State Street, Columbus 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such equipment, materials and supplies as are usually dealt in by gasoline and oil service stations (except liquid commodities in bulk), equipment and supplies, used by oil refineries, petroleum products, in packages, sold to customers of such products, in semitrailers supplied by shipper and empty shipper-supplied semitrailers, between points in Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, and the lower peninsula of Michigan, and (2) frozen foods, and supplies, used in the dispensing and serving of frozen food at service stations in refrigerated semitrailers on containers supplied by shipper, and empty shipper supplied refrigerated semitrailers and containers, between points in Ohio, on the one hand, and on the other, points in Pennsylvania, New York, and the lower peninsula of Michigan.*

NOTE: The authority sought in the proposed service above, will be limited to that under contract with the Standard Oil Company of Ohio and its wholly owned subsidiaries.

HEARING: October 18, 1962, at the New Post Office Building, Columbus, Ohio, before Examiner William A. Royall.

No. MC 124541, filed June 18, 1962. Applicant: LES LEVITT CORPORATION, doing business as LES LEVITT AUTO TRANSPORT, 958 East Stocker, Glendale, Calif. Applicant's attorney: Edward S. Cooper, Suite 318, Douglas Building, 257 South Spring Street, Los Angeles 12, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foreign made automobiles and compact automobiles, between Los Angeles, Calif. and Salt Lake City, Utah; over U.S. Highway 91 from Long Beach, Calif., to Salt Lake City, and return over the same route, serving no intermediate points.*

NOTE: Applicant states it proposes to return or bring back foreign made or compact automobiles consigned to dealers, if any.

HEARING: October 11, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 124562, filed June 22, 1962. Applicant: JAMES H. RECORD, doing business as RECORD TRUCK LINE, Henderson, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building,

Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer from Birmingham, Ala., to points in Tipton, Lauderdale, Dyer, Obion, Weakley, Gibson, Carroll, Crockett, Henderson, Madison, Haywood, McNairy, Hardeman, and Fayette Counties, Tenn., and empty containers or other such incidental facilities (not specified) used in transporting the above described commodities, and exempt commodities, on return.*

HEARING: September 26, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 106, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 124572, filed June 25, 1962. Applicant: ZENITH TRANSPORT, LTD., 74 East Pender Street, Vancouver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and other lumber products from ports of entry in the State of Washington on the International Boundary Line between United States and Canada, to points in Washington, Oregon, and California; and only exempt agricultural products on return trips.*

HEARING: September 20, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 124593, filed July 3, 1962. Applicant: FROOZON EXPRESS CO., a corporation, 4758 Shilshole Avenue, Seattle, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, in mechanically refrigerated equipment, and empty containers or other such incidental facilities (not specified) used in transporting the above-described commodities, between points in King and Snohomish Counties, Wash., on the one hand, and, on the other, points in California and Oregon.*

HEARING: September 21, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 124632, filed July 23, 1962. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride, in bags, from Akron and Barberton, Ohio, to quarries located at points in Knox, Cocke, Anderson, Sevier, Jefferson, Grainger, Loudon, Blount, Union, Morgan, Hamblen, Cheat-ham, Davidson, Robertson, Sumner, Wilson, Rutherford, Williamson, Dickson, Hamilton, Bradley, Sequatchie, and Marion Counties, Tenn., and empty con-*

tainers or other such incidental facilities (not specified) used in transporting the above described commodities, on return.

HEARING: September 28, 1962, at the U.S. Court Rooms, Nashville, Tenn., before Joint Board No. 209, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 124658, filed July 30, 1962. Applicant: FRED E. BRADER, doing business as BRADER HAULING SERVICE, P.O. Box 655, Zillah, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar solution, sugar and water, blends of corn syrup and sugar solution, and corn syrup, in bulk, from Toppenish, Wash., to points in Oregon and Idaho, and surplus and rejected commodities, on return.*

HEARING: September 20, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 124649, filed July 27, 1962. Applicant: JOSEPH BONNANO, 1 Cranford Avenue, Linden, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, from New York, N.Y., to Florence, Burlington, Phillipsburg, Camden, and Sewaren, N.J., and returned and rejected shipments, on return.*

HEARING: October 3, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 124655, filed July 30, 1962. Applicant: R. H. ECKENROTH, doing business as ACME DELIVERY CO., 3510 Clinton Avenue, Cleveland 13, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and (2) iron and steel buckets, and parts, when moving with or separately from the buckets, from Cleveland, Ohio, to points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, and empty containers or other such incidental facilities (not specified) used in transporting the above-specified commodities, and refused, rejected and repossessed articles, in connection with the commodities specified in (1) and (2) above on return.*

NOTE: Applicant states that the proposed operation will be under contract with Hankins Containers Co., The Owen Bucket Co. and River Raisin Paper Co.

HEARING: October 11, 1962, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner Reece Harrison.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 116720 (Sub-No. 1), filed August 6, 1962. Applicant: DONALD E. MILLER, 15A Third Street W., Lemmon,

S. Dak. Applicant's attorney: Ronald R. Johnson, 310 Main Avenue, Lemmon, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *supplies, signs and materials*, used in the sale and distribution thereof, from St. Paul, Minn., to Mobridge, S. Dak., and *empty malt beverage containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operations are to be limited to a transportation service to be performed under a continuing contract or contracts with C. L. Olson doing business as Olson Distributing Company, Mobridge, S. Dak.

No. MC 124047 (Sub-No. 8), filed July 30, 1962. Applicant: SCHWERMANN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon dioxide*, liquefied, in bulk, in tank vehicles, and *carbon dioxide*, solidified (dry ice), from Lima, Ohio, to points in Indiana and points in the Lower Peninsula of Michigan; (2) *aqua ammonia*, *anhydrous ammonia*, *nitrogen fertilizer solutions*, and *nitric acid*, in bulk, in tank vehicles; and *urea*, in bulk, in tank vehicles and in bags, from Lima, Ohio, to points in Wisconsin (except points in Kenosha, Racine and Milwaukee Counties); (3) *compressed oxygen*, in shipper-owned cylinders and trailers, and *returned shipper-owned cylinders and trailers*, between Lima, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan (except from (a) Tuscola, Ill., (b) Louisville or Marshall, Ky., or points in Kentucky within five miles of Brandenburg, Ky.); (4) *compressed helium*, in shipper-owned cylinders and trailers, from Lima, Ohio, to points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan, and *shipper-owned cylinders and trailers*, in the transportation of compressed helium, on return; (5) *carbon dioxide*, liquefied, in bulk, in tank vehicles, and *carbon dioxide*, solidified (dry ice), from Lima, Ohio, to points in Kentucky and West Virginia; (6) *nitric acid*, in bulk, in tank vehicles, from the plant site of the Sohio Chemical Company located in or near Lima, Ohio, to points in Tennessee; (7) *urea*, from Lima, Ohio, to Buffalo, N.Y., Phillipsburg, N.J., and points within ten (10) miles of Phillipsburg, and points in Iowa, Minnesota, and Missouri, and *empty containers or other articles* used in the transportation of urea, from the above-specified destination points to Lima, Ohio; (8) *nitric acid*, in bulk, in tank vehicles, from the plant site of Sohio Chemical Company at or near Lima, Ohio, to points in that part of New York west of a line extending along the western boundaries of Clinton, Essex, Warren, Saratoga, Schenectady, Albany, Greene, Ulster, and Sullivan

Counties, N.Y., (9) *dry catalyst*, in bulk, in tank vehicles, between Louisville, Ky., and Lima, Ohio; (10) *fly ash*, in bulk, in tank vehicles, from the site of the Cane Run Power Plant, operated by the Louisville Gas & Electric Company, at or near Louisville, Ky., to Captain Anthony Meldahl Locks Project, near Chillicothe, Ohio; (11) *ammonium nitrate*, in bulk, in tank vehicles, and in containers, from the plant site of Sohio Chemical Company in Lima, Ohio, to points in Indiana, Illinois, Pennsylvania and Kentucky; (12) *ammonium nitrate*, in bulk, in tank vehicles, from the plant site of Sohio Chemical Company in Lima, Ohio, to points in Michigan; (13) *ammonium nitrate*, in containers, from the plant site of Sohio Chemical Company in Lima, Ohio, to points in the Lower Peninsula of Michigan; and (14) *nitric acid*, in bulk, in tank vehicles, from the plant site of the Sohio Chemical Company at Lima, Ohio, to St. Louis, Mo.

NOTE: Applicant states that it has a conversion application pending before the Interstate Commerce Commission relative to the transportation of the commodity cement in docket MC 124047. By Order served February 23, 1962, in MC 124034 (Sub-No. 3), a related Schwerman Company application, the Commission approved the dual operations of the applicant company. In order to facilitate the processing of future applications, however, by the applicant company—as well as by other related Schwerman Companies—Schwerman Trucking Co., et al., have elected to convert their remaining permits to certificates so that the entire operations in interstate commerce may be classified "common carriage". Common control may be involved.

No. MC 124034 (Sub-No. 1), filed August 6, 1962. Applicant: A. T. W., INC., doing business as ALASKA TOWING AND WRECKING, INC., 1212 East Fifth Avenue, Anchorage, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked vehicles, including trucks, planes, boats and house trailers*, requiring the use of wrecker equipment, between points in Alaska, on traffic originating in, or destined to Canada.

No. MC 124435 (Sub-No. 1), filed August 1, 1962. Applicant: ALASKA BARGE AND TRANSPORT, INC., 525 Third Avenue, Anchorage, Alaska. Applicant's attorney: Alan F. Wohlsetter, One Farragut Square South, Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, for the Department of Defense, moving on government bills of lading, between nearest beachlanding at Tidewater and Dew Line and Mona Lisa sites in Alaska, except at Bethel, Alaska, at or near, but not limited to Shemya, Tin City (Wales), Lisburne, Point Barrow, Barter Island, Newenham, Romanzof, Unalakleet, North East Cape, Liz A (Cape Beauford), Liz 2 (Point Lay), Liz B (Icy Cape), Liz 3 (Wainwright), Liz C (Peard Bay), POW Main, POW A (Simpson Lagoon), POW 1 (Lonely Lagoon), POW B (Kogru River), POW 2 (Oliktok Point), POW C (Point McIntyre), POW 3 (Bullen Point), POW D (Brownlow

Point), Bar A, Saint Paul Island, Hoonah, Yakutat, Yakataga, Duncan Canal, Boswell Bay, Middleton Island, Cold Bay, Driftwood Bay, Nikolski, Cape Simson, Pitt Point, North River, Cape Sarichef, Port Moller, Port Heiden, Nome, Aniak, King Salmon, Metlakatla, McGrath, Kotzebue, including such lateral and retrograde movement between all such points as may be required by the Department of Defense.

NOTE: Common control may be involved.

No. MC 124629, filed July 20, 1962. Applicant: TOLLIVER TRUCKING, INC., 7103 Folk Street, Boise, Idaho. Applicant's attorney: J. Charles Blanton, P.O. Box 1253, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Washington, Idaho, Montana, Oregon, Wyoming, Utah, Nevada, Colorado, California, Arizona, New Mexico, and Texas.

NOTE: The proposed operations will be under contract to Chandler Supply Company. It is further noted that common control may be involved.

No. MC 124690, filed August 8, 1962. Applicant: PEOPLES IRON & METAL COMPANY, a corporation, 5831-43 South Loomis Boulevard, Chicago 36, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, mill supplies, and waste paper* between Chicago, Ill., and Coshocton, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 279), filed August 7, 1962. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between Hancock, Md., (Junction U.S. Highway 40 and U.S. Highway 522) and Breezewood, Pa. (Junction Pennsylvania Highway 126 and U.S. Highway 30); from the junction of U.S. Highway 40 and U.S. Highway 522 at Hancock, over U.S. Highway 522 to the junction of U.S. Highway 522 and Interstate Highway 70, thence over Interstate Highway 70 to the junction of Interstate Highway 70 and Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to the junction of Pennsylvania Highway 126 and U.S. Highway 30 at Breezewood, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

No. MC 67024 (Sub-No. 27), filed August 3, 1962. Applicant: SERVICE COACH LINE, INC., 4305 21st Avenue, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Millen, Ga., and junction

U.S. Highway 25 and Georgia Highway 88; from Millen over U.S. Highway 25 to junction U.S. Highway 25 and Georgia Highway 88, and return over the same route, serving no intermediate points:

NOTE: Common control may be involved.

NOTICE OF FILING OF PETITION

No. MC 87720 (Sub-No. 6) (PETITION TO ADD ADDITIONAL SHIPPER TO PERMIT), filed July 31, 1962. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Petitioner was granted a Permit in No. MC 87720 (Sub-No. 6), dated July 19, 1962, to transport, over irregular routes, Iron castings and iron castings products, from Flemington, N.J., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., the New York, N.Y., Commercial Zone, as defined by the Commission, Fairfield and New Haven Counties, Conn., and that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland Line and extending along U.S. Highway 111 to junction U.S. Highway 11 at Harrisburg, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State Line, and wooden patterns, from the above-described destination territory to Flemington, N.J., limited to a transportation service to be performed under a continuing contract, or contracts, with Foran Foundry and Manufacturing Co., of Flemington, N.J. By petition filed July 31, 1962, petitioner requests that the authority in MC 87720 (Sub-No. 6) be amended by the addition of a restriction that the services to be performed under continuing contracts with Foran Foundry and Manufacturing Co., and J. J. Riley, Inc. Any person or persons desiring to oppose the addition of the above-named shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8211. Authority sought for control and merger by DEALERS TRANSIT, INC., 7701 South Lawndale Street, Chicago, Ill., of the operating rights and property of WILLIAM CORBITT, INC., 61-63 River Street, Newark, N.J., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort, Flint, Michigan, of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled and merged: *Such commodities* requiring

specialized handling or rigging because of size or weight, as a *common carrier*, over irregular routes, between points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Virginia, and the District of Columbia; *electrical appliances*, from New York, N.Y., to points in New Jersey; and *damaged or rejected electrical appliances*, from points in New Jersey to New York, N.Y. DEALERS TRANSIT, INC., is authorized to operate as a *common carrier* in all States except Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8212. Authority sought for purchase by BILKAYS EXPRESS, CO., 303 South Street, Newark 5, New Jersey, of the operating rights of P.M.T. TRANSPORTATION CO., INC. (JOSEPH MORITZ, ASSIGNEE), 1521 Madison Street, Hoboken, New Jersey, and for acquisition by WILLIAM A. KORTENHAUS, 303 South Street, Newark, New Jersey, of control of such rights through the purchase. Applicants' attorneys: Robert DeKroyft, 233 Broadway, New York 7, New York and Joseph Moritz, 75 Montgomery Street, Jersey City, New Jersey. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes between Bloomfield, Hoboken, and Jersey City, New Jersey, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, and Union Counties, New Jersey. Vendee is authorized to operate as a *common carrier* in the States of New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8214. Authority sought for lease by CATON TRANSFER COMPANY, INCORPORATED, Andalusia, Ala., of the operating rights of JAMES B. CATON and JOHN G. CATON, as partners, doing business as CATON TRUCK LINE, Andalusia, Ala., and for acquisition by JAMES R. CATON, of control of such rights through the lease. Applicants' attorney: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham 3, Ala. Operating rights sought to be leased: The operating rights are those authorized by Alabama Public Service Commission Certificate No. 484, Docket No. 14917, which operations are the subject of a BMC-75 filing under section 206(a) (1) of the Interstate Commerce Act, as more specifically described in Docket No. MC-120358 Sub-1. Lessee operates under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act, in the State of Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8215. Authority sought for purchase by POOL TRUCK, INC., 365 Victor Avenue, Highland Park, Michigan, of a portion of the operating rights of DIXIE HAULING COMPANY, 805 Memorial Drive SE, Atlanta 16, Georgia, and for acquisition by H. M. O'NEILL,

F. J. O'NEILL and W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland 20, Ohio, of control of such rights through the purchase. Applicants' attorneys: Ewald E. Kundtz and J. A. Kundtz, Falsgraf, Kundtz, Reidy and Shoup, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be transferred: *Empty drums and empty steel containers*, in drop-frame trailers, as a *contract carrier* over irregular routes from Cleveland, Ohio, to points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Vendee is authorized to operate as a *contract carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-8213. Authority sought for purchase by PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J., of a portion of the operating rights and certain property of SAFEWAY TRAILS, INC., 1200 I Street NW., Washington 5, D.C., and for acquisition by PUBLIC SERVICE ELECTRIC AND GAS COMPANY, 80 Park Place, Newark 1, N.J., of control of such rights and property through the purchase. Applicants' attorney: Richard Fryling, General Counsel, Public Service Coordinated Transport, 180 Boyden Avenue, Maplewood, N.J. Operating rights sought to be transferred: *Passengers* and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier* over regular routes, between Fort Dix, N.J., and junction unnumbered highway and U.S. Highway 206 near Bordentown, N.J., and between Wrightstown, N.J., and junction unnumbered highway and U.S. Highway 206 due west of Jobstown, N.J., serving all intermediate points, from Fort Dix over New Jersey Highway 68 (formerly New Jersey Highway S39) to Mansfield Square. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Delaware, Washington, D.C., Virginia, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 62-8430; Filed, Aug. 21, 1962;
8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37887: *Fresh meats and packinghouse products from Hastings and McCook, Nebr.* Filed by Western Trunk Line Committee, Agent (No. A-2266), for interested rail carriers. Rates on fresh meats and packinghouse products, as described in the application, in carloads, from Hastings and McCook, Nebr., to points in southern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 23 to Western Trunk Line Committee, tariff I.C.C. A-4344.

FSA No. 37888: *T.O.F.C. service from and to Durham and Winston-Salem, N.C.* Filed by Western Trunk Line Committee, Agent (No. A-2268), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers and transported on railroad flatcars, between Durham and Winston-Salem, N.C., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition and grouping.

Tariff: Supplement 23 to Western Trunk Line Committee tariff I.C.C. A-4379.

FSA No. 37889: *Manganese, silicon, and chrome from Relief and Philo, Ohio, and Keokuk, Iowa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2631), for interested rail carriers. Rates on ferro-manganese, ferro-silicon, other than in pigs, silico-manganese and ferro-chrome, in carloads, from Relief and Philo, Ohio, and Keokuk, Iowa, to specified points in Pittsburgh district of Pennsylvania.

Grounds for relief: Truck-water, water, truck-water-truck competition.

Tariffs: Supplement 33 to Baltimore and Ohio Railroad Company tariff I.C.C. 24518 and supplement 34 to Western Trunk Line Committee tariff I.C.C. A-4300.

FSA No. 37890: *Salt from points in Kansas.* Filed by Western Trunk Line Committee, Agent (No. A-2270), for interested rail carriers. Rates on salt, in carloads, from Anthony, Hutchinson, Kanapolis, Lyons, and Pawnee Rock, Kans., to East St. Louis, and Quincy, Ill., and St. Louis, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Western Trunk Line Committee tariff I.C.C. A-4369.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-8426; Filed, Aug. 21, 1962;
8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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